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Philip II of Spain and the Council of Trent, 1562-1563

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PHILIP II OF SPAIN AND THE COUNCIL OF TRENT
1562-1563

by
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A Thesis Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
the Requirements for the Degree of
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LIST OF ABBREVIATIONS

- AHE Archivo Histórico Español. Colección de documentos inéditos para la historia de España y de sus Indias publicados por la Academia de estudios histórico-sociales de Valladolid. Volume 1, ff. Madrid, 1928, ff.
- CSP Brown, Rawdon, and Bentinck, G. Cavendish. Calendar of State Papers and Manuscripts Relating to English Affairs Existing in the Archives and Collections of Venice, and in Other Libraries of Northern Italy. Volume 7: 1558-1580. London, 1890.
- CODOIN Colección de documentos inéditos para la historia de España. 112 Volumes. Madrid, 1843-95.
- CT Concilium Tridentinum: Diariorum, Actorum, Epistolarum, Tractatum nova Collectio. Edidit Societatis Goerresiana promovendis inter Germanos Catholicos litterarum Studiis. 13 Volumes. Freiburg, 1901, ff.
- MHSI Monumenta Societatis Jesu a patribus eiusdem Societatis edita. Volume I, ff. Madrid, 1894, ff. Still in progress.
- Susta J. Die römische Kurie und das Konzil von Trient unter Pius IV. 4 Volumes. Vienna, 1904-14.

CHAPTER I

INTRODUCTION

The consent of Philip II of Spain (1556-98) was decisive for the final convocation of the Council of Trent in 1562-1563. The initiative and guiding force for the Council came, of course, from Rome; but the Spanish intervention, while providing needed help, also occasioned many difficulties that strained relations between the Holy See and the king of Spain and hampered the work of the Council. What is the explanation for this?

Unfortunately for the English reader, the search for an answer is severely limited to the few studies available. Beyond the general picture presented in the English version of Pastor's History of the Popes, little has been written. The translation into English of Jedin's Geschichte des Konzils von Trient is a definite help, but two volumes so far in print do not cover the entire history of the Council.¹

This provides the occasion for the present thesis. It deals with the convocation of the Council of Trent from January 1562 to December 1563. The purpose of the thesis is to analyze certain aspects of the influence of Philip II during the third and final phase of the Council. No one contests the

¹ Ludwig Pastor, The History of the Popes from the Close of the Middle Ages, Vol. I: Pius IV (1559-1565), ed. Ralph Francis Kerr (St. Louis, 1928). Hubert Jedin, A History of the Council of Trent, trans. Don Ernest Graf, O.S.B. (2 vols.; New York, 1957-61).

fact that the Spanish bishops were a major force at the sittings of that general assembly, or that it was through the Spanish Crown that the Council became a reality. And yet, there is no satisfactory single work in English that studies the role of the Spaniards at Trent. Many other excellent works study the work of the French or the Germans, but the Spanish contribution at the Council has yet to be examined.²

After a brief introductory summation of the historical situation immediately preceding the election of Pope Pius IV (1559-65), the second chapter will discuss the preliminary negotiations to win the support of Philip II for the Council. Three problems will next receive attention: 1) the debate over the phrase proponentibus legatis, or the question of conciliar protocol; 2) the controversy raised by the decree on episcopal residence; 3) the final closure of the Council of Trent against the wish of Philip II. A short final chapter will be added as a recapitulation of the paper.

1

In 1554, Philip II, newly invested with the duchies of Naples and Milan, sailed for England to become the husband of the English Queen. This was an act of obedience to the wishes of his father, the Emperor Charles V (1519-56), who had envisioned a dynastic dream to include within the Habsburg orbit the entire periphery of western Europe--the shores of Italy, through the rocky outpost of

² Examples are H. Outram Evernnett, The Cardinal of Lorraine and the Council of Trent: A Study in the Counter-Reformation (Cambridge, 1930); G. Constant, Concession à l'Allemagne de Communion sous les deux Espèces: Etude sur les débuts de la réforme en Allemagne (1548-1621) (2 vols.; Paris, 1923); and G. Alberigo, I Vescovi Italiani al Concilio di Trento (1545-47) (Firenze, 1959). C. Gutierrez, Españoles en Trento (Valladolid, 1951), offers an exhaustive list of the Spaniards present at the Council of Trent in some capacity or other. But this does not study their activity beyond a brief biographical sketch of each one.

the Gibraltar, up north to the Low Countries, not excluding the off-shore kingdom of England. The Emperor had recently sustained some serious set-backs in the eastern half of the empire, and he had turned for compensation to the west.

In England Mary Tudor (1553-58) was the queen. In addition to her need for a male successor, she wanted to lead her kingdom back into communion with Rome. If Philip married Queen Mary, Spain would acquire control of the English Channel which could help secure the defense of Spain and the safety of communications with the northern Imperial residence. Philip would unite in his person the strategically located countries of Spain, England, the Low Countries, and Burgundy. The future of the Habsburgs would also be secure. Don Carlos, son of Philip by a previous marriage, would inherit the Spanish peninsula and the overseas dominions of Spain. The future heir of Philip and Mary would receive England, the Low Countries and Burgundy. For the present, England, in alliance with Spain, would serve as a bulwark for the Lowlands, especially against France, and Spain would be free to concentrate on her defense of Italy and the Mediterranean against Islam. Finally, Philip, as king of England, would play an important role in leading that country back to the obedience of Rome.

None of these designs materialized. Philip, who seems to have only begrudged his assent to the union, was recalled to the Imperial court a year after he had left Spain. War-weary and wiser from the experience, his father had decided to abdicate. On 25 October 1555, in a moving ceremony at Brussels, Charles V invested his son with the sovereignty of the Low Countries. Three months later, on 16 January 1556, Philip received the crown of Spain and the Spanish dominions all over the world. Finally, on 5 February 1556, he also inherited Franche Comté. All of these constituted only a part of the Habsburg

patrimony, but, together with Naples and Milan, they certainly covered an extensive stretch of land.

Philip was not yet thirty years old at the time of his accession to the Spanish throne. He had no lack of previous training and, as Regent for the Spanish kingdoms, had had some personal experience in ruling. But he was faced with a new situation when he mounted the throne. Germany, though still under Habsburg allegiance, was practically beyond his reach. His uncle Ferdinand had inherited the eastern lands and had succeeded to the Imperial title. Much of Philip's political thinking necessarily narrowed down to the basic duty of enhancing the Crown and defending at all costs the lands bequeathed to him south of the Pyrenees and across the Atlantic.

Trouble came to Philip sooner than perhaps was expected. The aged but by no means decrepit Pope Paul IV (1555-59) declared war against the king of Spain, besides thundering out with a double sentence of excommunication against Philip and his father in retirement at Yuste. Political and jurisdictional motives were at play, as well as personal animosities that rankled against the Emperor who had used in vain the Imperial exclusiva to prevent him, Gian Pietro Carafa, from receiving the tiara. The war was not confined to the Italian front. Urged on by Cardinal Carafa, the Pope's nephew and secretary of state, Henry II of France (1547-59) grabbed the chance to violate a recently-signed truce and strike at his wonted rival. Thus, within a year after assuming the government, Philip was faced with an unfriendly alliance not unlike the anti-imperial leagues his father had had to contend with before. But the Italian war, badly managed and inadequately financed, was short-lived. A face-saving surrender was arranged for the Pope on 22 September 1557, a year after hostil-

ities had begun. The new war with France was likewise brief and displayed the familiar pattern of check and stalemate characteristic of the intermittent wars between the Habsburgs and the Valois. Both powers were exhausted, both were without resources for an all-out and vigorous campaign, both sustained individual losses and victories. To Philip went the spectacular victory of the battle of San Quentin (1557), while the French took Calais from England (1558).

Meantime, Charles V died in peace in the monastery at Yuste, 21 September 1558. Two months later, the wife of Philip, Mary Tudor, also died, November 17. The Anglo-Hispanic union, precarious at the most, was abruptly disbanded, the imperial dream was no more, and the fears of the French were promptly dissipated. By April 1559, terms of peace were settled and the treaty of Cateau-Cambresis was signed (April 2-3). Philip then decided to go back to Spain. He personally preferred to live in the country of his birth and it was expedient to reside in the country he ruled. From then on, Spain was his vantage point. Events and decisions were to be judged from Spain, in a Spanish court, with Spanish counselors, in Spanish interests. The Habsburg identification with Spain had begun.

ii

One of the first public functions attended by Philip after his return to Spain late in the summer of 1559 was an auto de fe in Valladolid. The solemnity with which the act was surrounded betrays the concern of the authorities over the religious unrest that had gathered momentum in the king's absence. Spain, it is true, had been subject to the beneficent influence of Cardinal Cisneros (1437-1517), as well as of Erasmus (1467-1536). But, by the time Philip returned as king, conditions had changed. A new generation had come up

to hold the reins of government, for the older race of Spanish humanists had already gone. Beyond the Pyrenees, it was the period immediately following the peace of Augsburg, when everyone admitted the impossibility of reconciliation between the Protestant dissenters and Rome. Till then on their defensive, the Calvinists especially exhibited a vitality and a boldness that institutionalized them into national churches. This prepared the way for the second stage in the growth of Protestantism, which was that of militant proselytizing. And Spain was no man's preserve. Active propagandists managed to slip into the country, while, in the north, the Low Countries continued to offer haven to hunted heretics. Nor was traffic one way. Spanish dissidents, fed by the new ideas of the Germans and English who traded with them, felt the pinch of government vigilance and made their way to Geneva, Paris, or the Lowlands.

Thus, right at the start of his reign, Philip II found himself faced with the second basic duty of defending his realms from heterodox contamination. Already in 1558, while still in Brussels, he had approved the heavy penalty of death and confiscation of property for unlicensed importation of books. The Spanish Index, first drawn up by the University of Louvain and not to be confused with that published by Pope Paul IV in 1558, was revised and generously extended so as to include any and all books that lent themselves to Protestant interpretation. On the eve of his departure for Spain, the king ordered all Spaniards studying at Louvain to return to their country within four months and obtain clearance for orthodoxy from the Spanish Inquisition. Finally on 22 November 1559, a decree forbade all Spaniards from studying in schools and universities abroad.

These measures were deemed necessary to counteract Protestantism which

had become an actual danger in Spain. Since the 1550's, isolated seed-beds of Lutheranism had been discovered in Valladolid and Seville. Persons in high standing had been convicted of heresy, and the auto de fe presided over by Philip in Valladolid was one of two held in 1559-60 where more than thirty victims had been handed over to the secular army and executed.

In all of these, Philip had at hand an instrument in the Spanish Inquisition. Established through papal leave in a country where no heresy existed, it was originally meant to ferret out insincere conversions from, and relapses into, Judaism. Because the inquisitorial processes were also highly profitable economically and socially, the Office was seldom free from abuse. When Philip ascended the throne, the anti-Jewish fear had been largely though not entirely supplanted by a concern over the new views and a near mania for religious unity. Hence, at the first news of an incipient Protestantism in Spain, the reaction of the Crown was to inaugurate a ruthless policy of repression. Unfortunately, personal motives colored the conduct of the Inquisitor General at the time, and this considerably embittered the harshness which the Spanish Inquisition has been noted for.

Philip II was a sincerely religious man himself. He lived in an age when one breathed Catholicism in Spain. His personal upbringing heightened a morally conscientious temperament inherited from famous forbears, one of whom was Isabel the Catholic (1451-1504), not to mention his own father who died a holy death and had enjoyed the intimacy of a future General of the Jesuits and a saint, Francis Borgia (1510-72). Well known is the fundamentally religious orientation of Philip's government laid down by his father: " . . . you ought always to direct your life towards the goodness and infinite mercy of

God and submit your wishes and your actions to His will."³

How Philip, as obedient a son as there ever was, carried out his father's political instructions, should be taken into account for an understanding of his reign. But, despite exaggerations by the panegyrists, there is something heroic in the essentially religious tone of Philip's rule. He considered himself to have been given a king's crown in order to promote the observance of the divine law on earth, regardless of the consequences. Two schools of thought have diverging views on Philip II. One sees him as a shrewd political figure of the sixteenth century, whose adherence to Rome was his priceless asset. The other takes him to be a unique historical phenomenon, one that gave special priority to religious considerations. Philip saw himself as God's representative, not in the sense of Charles V who regarded the emperor as the temporal partner of the supreme spiritual head of the Christian commonwealth, following the classical Two-Sword theory of medieval thought; for his part, Philip considered himself to be an absolute monarch exclusively responsible to God for his own lands and his subjects, the supreme authority that would brook no outside interference, especially from Rome. Child of his own age, he no more questioned the hereditary character of his throne than its absolutism. In his reign, however, the new element provided by the victory and steady advance of Protestantism called for a new policy that aimed at destroying every form of heresy and reuniting all Christians under the faith of

³ I have been unable to locate the source of R. Altamira, Ensayo sobre Felipe II. Hombre de Estado: Su Psicología General y Su Individualidad Humana (Mexico, 1950), p. 31, but a slightly different text of Charles V's political testament has been edited by J. March, Ninez y Juventud de Felipe II: Documentos Ineditos sobre Su Educacion Civil, Literaria y Religiosa y Su Iniciacion al Gobierno (1527-1547) (Madrid, 1942), II, pp. 1-39.

Rome. In the pursuit of these objectives, Philip did not balk at coercion and the use of force. The sixteenth century, after all, was more faithfully described by Machiavelli's The Prince (1513) than by the theories expounded later by Suarez (1548-1617). Philip did not always succeed, and he met with many obstacles, if not downright opposition. But his temporal and political defeats he accepted as due to God's design. His attitude, frequently expressed in letters and instructions to his generals, has often been quoted. He would yield in other matters, but not "to the detriment of our holy Catholic faith, for I will never consent that there be a weakness in this, even if those territories be lost." More famous is the remark to a convicted heretic in 1559: "I would bring the wood to burn my son were he as depraved as you."⁴

iii

The Spanish court was not alone in its zeal for reform. All of Christendom had been clamoring for an end to abuses and a universal spiritual regeneration. Where they differed was in the means employed. Luther's obsessive impatience for personal goodness unleashed a bloody history of defiance against traditional church institutions of redress, while a man like Ignatius of Loyola (+1556) effected a spiritual rehabilitation of Europe by a more stringent submission to the same Church. The rise of individual reformers, or the founding of new religious orders, however, was not enough. Something else was demanded: an "official" program that would initiate a genuine reform in both "head and members"; a general council, universally accepted and universally efficacious

⁴ Altamira, pp. 70, 78. Luis Cabrera de Cordoba, Felipe II. Rey de Espana (Madrid, 1876), lib. V, p. 3.

by embodying in one authentic form the diverse currents and movements then taking place.

This kind of thinking bore fruit in the Council of Trent. After painful negotiations and mutual recriminations, the first session was finally inaugurated on 13 December 1545. Thirty-one bishops were in attendance, most of them Italians. But there was no lack of difficulties during the sessions that followed, necessitating, first, a transfer of the seat of meeting from Trent to Bologna and back again, and, later, the suspension of further meetings on 22 May 1552. There had been a total of sixteen plenary sessions off and on through seven years, not always in the most irenic conditions, but still conducive enough to define dogmatic positions and reform measures.

After the suspension of the Council in 1552, Pope Julius III (1550-52) intended to keep some of the dispersed fathers and theologians at Rome. He had hoped to make use of them to continue the unfinished work of Trent. This proved impractical and he was left alone to push forward the reform. Because Spain had wanted to enforce the unconfirmed decrees of the Council, the Pope sought to include them in a great reform bull. This was ready for publication in January 1555, and the Pope so informed the king of Spain. Then Julius III died on 23 March 1555, and the bull was not promulgated.

Reform was clearly the issue in the next two conclaves that followed the death of Pope Julius. In the first, Marcello Cervini, who took the name of Marcellus II, was unanimously elected on April 10. He was known to be a partisan of reform, having been legate at the Council of Trent. But no sooner was he installed than he died (May 1). His brief pontificate was an index of the needs of the times, but it could hardly be said that he had advanced the cause of reform.

Gian Pietro Carafa was elected three weeks later, and he took the name of Pope Paul IV. The Emperor Charles V had tried to exclude him from the papal throne, but the Imperial party had been too much at odds within themselves really to present a united opposition to the candidacy of Carafa. News of his elevation was received with apprehension, although he was a leading advocate for reform. He was known as a learned and holy man, but his extreme and often harsh asceticism caused concern. Nonetheless, much was expected of him by the more discerning of his contemporaries. Decisively beaten in that ill-advised war against Philip II of Spain, Pope Paul lost no time in brooding or self-accusation. As soon as peace conditions were restored, he took up with unremitting vigor the projects interrupted during the war. But he did not favor summoning a general council. Far too many meetings and resolutions had already been held; what was needed was not new regulations but the application and use of what was already at hand. It was always a difficult if not hazardous task to convene a council. And, in the end, it worked much too slowly.

Except for the fateful elevation of his unworthy nephews, Paul IV was singularly fortunate in his choice of cardinals. Ecclesiastics such as Ghislieri, Scotti and Reumano were among the capable cardinals created by him. These men and others of similar spirit collaborated in a reform program under the personal guidance of the Pope. One of their first reforms centered about the Roman Curia, a bold undertaking since it could mean closing the chief source of revenue for the Holy See. The Roman Inquisition received enlarged powers, for it was given competence not only in matters of faith, but it could also punish offenses against morality, especially what the Pope termed "simoniacal heresy." What he especially warred against was the sale of benefices and the mixing of politics with ecclesiastical affairs.

Unfortunately, Pope Paul IV was not the man to temper his actions. His efforts were well-intentioned, but the practical measures he conceived were imprudent in many cases, and even begot fear and ill will. Without hesitation, he threw out the great Palestrina from the Sistine choir because he happened to be a married man, and married men did not quite fit in with the Pope's idea of a papal choir member. In order to put a stop to the abuse of vagrancy among the monks, he declared a curfew hour and hunted out the delinquents to throw them in jail. A Jesuit provincial in France wrote to Laynez that Pope Paul's Index was unreasonably extensive, covering books completely harmless except that they had been printed by Protestant publishers. There was going to be much confusion, he predicted, and many would likely disregard the Pope's prohibitions because of the great financial loss to the printers and bookdealers. Not too wide of the mark was a saying that one who wished to cure Rome did not really know her sickness. If, however, "because of our sins His Beatitude . . . started to let go, his fulminations would be terrible and extreme, just like his character. . . ." ⁵

In a way it was not surprising that riots occurred in Rome when it was learned that Pope Paul IV had died on 18 August 1559. He had to be buried at night and a guard posted over his tomb lest it be violated. This was evidently a reaction of the aggrieved minority who had felt the heavy hand of the Carafa pope. Laynez wrote to a Jesuit rector in Genoa that even the adversaries of the dead pope were forced to admit that Paul died as a saint. The Roman barons who were away when the Pope died expressed vehement disapproval of the wanton

⁵ Vicente de la Fuente, Historia Ecclesiastica de Espana (Madrid, 1875), V, p. 212, note 1. Paschase Broet, Epistolae, ("Monumenta Historica Societatis Jesu"; Madrid, 1930), p. 133. The latter set of volumes will be cited hereafter as MHSI.

destruction caused by the uprisings. The Roman nobility proclaimed that, in honor of the late Pope, his decrees were to remain in force, and transgressors would incur double the penalty. And despite the impression of arbitrariness in the decrees of Pope Paul IV, there was an advance in the movement for reform. Not all areas in need of reform had been touched upon, but the necessary groundwork had been laid for further progress. Certainly his energy and intransigence had been a vital factor in the change that took place in the Roman Curia and the city of Rome. It was the work of Paul IV that served as the preparation for the final convocation of the Council of Trent in the pontificate of his immediate successor.

iv

By autumn of 1559, then, the Church was once more without a pope. Within five years, three popes had succeeded one another, but not one of them had lived long enough to complete the work of reform. The Council of Trent remained in suspension; its promulgations awaited papal confirmation. But the clamor for reform had not died down; instead, it had grown much louder. Protestantism had gained a position from which it would not be dislodged. Of the leading states of Europe, only Spain was unambiguously Catholic; Germany was divided, England had drifted away, and France seemed on the verge of falling away from the Church. What could be done? A general council seemed to be the only answer, and it was to summon a council that Pope Pius IV devoted all his energies as soon as he succeeded to the pontifical throne.

CHAPTER II

THE PREPARATORY NEGOTIATIONS

On the night of 25 December 1559, Francisco Vargas, Spanish ambassador extraordinary to the Holy See, sent a dispatch to his king announcing the end of the conclave and the election of a new pope just a few hours earlier. It had been a long, painful conclave; the cardinals would have gladly voted for any piece of lumber had they been able to come to an agreement. At last, after months of "dissensions and enmities . . . and uncontrolled passions such as cannot be mentioned," Gian Angelo de Medicis, Cardinal of Milan, received the homage of the cardinals and was duly confirmed as Pope Pius IV the next morning, December 26. He was more than sixty years old, affable, and open-handed with his favors. Of a quick mind and impatient of long talk, he was yet singularly tactful and blessed with a facility for diplomacy. He was known neither as an innovator nor as excessively active. As a conclavist, he had signed the election capitulations which bound him, if elected pope, to promote peace among the Christians and the reform of the Church through a general council. But what most pleased the Spanish ambassador was that the new pope was a subject "so deserving and so dear" to his own king. Pope Pius IV himself, in his first conference with Vargas, had declared he was prepared to serve God and the Holy See, and seek the contentment of the king of Spain. He had been a vassal and creature of the late Emperor, and "such he considers himself to be of your Majesty." In contrast to the Carafa pope, Pius acknowledged his peculiar ties to the son

of Charles V, tacitly laying the foundations for a politico-religious alliance between the Holy See and Spain. Vargas was quite pleased and expressed himself in so many words to the king.¹

Circumstances prevented Philip II from sending at once a representative to perform the traditional ceremony of obedience to the new Pope. He had just returned from the north and had barely had time to reorganize the administrative machinery of Spain. Sickness in the royal court, his wedding to Elizabeth of Valois, and the situation between England and Scotland had occupied his immediate attention. But he was fully aware of what had been going on in Rome during the conclave and he was not ignorant of the growing trend in favor of a general council. As signatory to the treaty of Cateau-Cambresis, he was obliged to work with the king of France and to urge the Pope to call a council as soon as peace was established among the Christians. As early as 18 January 1560, Cardinal Pacheco, who narrowly missed election as pope, wrote to Philip that in an early consistory Pius IV had spoken at length about reform and announced his intention to confirm the Council of Trent.² And in the entourage of Elizabeth of Valois, the archbishop of Limoges, Sebastian de l'Aubespine, came as the French ambassador to Spain, with instructions to solicit the cooper-

¹For the dispatches of Vargas during the papal conclave, see Johann Joseph Ignaz von Dollinger, Beiträge zur Politischen, Kirchlichen und Cultur-Geschichte der sechs letzten Jahrhunderte, Band I: Dokumente zur Geschichte Karl's V. Philip's II und ihrer Zeit (Regensburg, 1862), pp. 265-328. See also the diaries of the Vatican officials in the conclave in Concilium Tridentinum, ed. S. Merkle (Freiburg, 1911), II.

²Johann Joseph Ignaz von Dollinger, Beiträge zur Politischen, Kirchlichen und Cultur-Geschichte der sechs letzten Jahrhunderte (Regensburg, 1862), I, p. 328. (Henceforth, cited as Beiträge.) Rawdon Brown and G. Cavendish Bentinck, Calendar of State Papers and Manuscripts Relating to English Affairs Existing in the Archives and Collections of Venice, and in Other Libraries of Northern Italy (London, 1890), VII, p. 17. (Henceforth, cited as CSP.)

ation of Philip to promote the Council just announced in Rome.³ As it turned out, however, early interest in the Council was evinced neither by France nor by Spain. It was the Imperial envoy, Franz von Thurn, sent to the papal court in the middle of February 1560 for the obedientia, who gave initial encouragement to the Pope by petitioning the celebration of a general council now that there was peace throughout Christendom.⁴

1

The earliest indication of Philip's reaction to these preliminary soundings is furnished by a letter, dated 4 March 1560, which he dictated for his half-sister, Margaret of Parma, the Regent for the Low Countries. He described how the king of France had just learned of the Pope's intentions to summon a general council and had professed himself willing to join Philip and the Pontiff in the undertaking. Spain's first reply was to call a special meeting of the prelates who had sat at the last session of the Council of Trent and the members of the Council of State of Spain. As far as the personal relations between the two monarchs were concerned, the French king could always rely on the good will of Philip, "such as one expected between brother and brother, or father and son, especially in things touching the service of God."

³L. Paris, Negociations, lettres et pieces diverses relatives au regne de Francois II (Paris, 1841), pp. 206-7, 278 ff.

⁴Stephanus Ehses, Concilii Tridentini Actorum Pars Quinta Complectens Acta ad Praeparandum Concilium, et Sessions Anni 1562 a Prima (XVII) ad Sextam (XXII), Vol. VIII of the Concilium Tridentinum (Freiburg, 1919), p. 8. (Henceforth, cited as CT.) Sforza Pallavicino, Vera Oecumenici Concilii Tridentini Contra Exsurgentes Lutheri, Aliorumque Haereses Necnon Variarum Universalium Reipublicarum Christianarum Revolutiones, Pro Morum Reformatione et Fidei Defensione, Summo Romano-Catholicae Ecclesiae Emolumento Publicati Historia, trans. J. G. Giattino into Latin (Augustae Vindelicorum, 1769), XIV, 12, 3.

But before giving a final answer, the Spanish king wanted to know the opinion of his sister. Margaret might avail herself of the advice of her council. "Look into the matter carefully," he continued, "and consult persons whose advice you think it best to ask. Let me know as quickly as you can . . . so that I may compare their suggestions with those given here, and keep to the road that will be found most expedient."⁵

The first official communication to Philip II of the conciliar plans of Rome was entrusted to the bishop of Terracina, Monsignor Ottaviano Reverta, who was sent as the first ordinary papal nuncio of Pius IV to Spain. He received his instructions on 11 March 1560 and he left immediately for Toledo, then the seat of the Spanish government. He arrived there towards the end of the month and, on April 1, had his first audience with the king. This was just a few weeks after Philip had summoned the special meeting he had mentioned in his letter to Margaret. Terracina, then, was not bringing an entirely new idea to the court of Spain.

The burden of Terracina's instructions was to win the consent and support of Philip II for a projected general council in order to remedy the religious crisis of Europe. He was also enjoined to settle some family affairs of the Pope, but he had been mainly sent to negotiate the council. It was not only the Pope who wanted to convoke it; the other Christian princes also looked to a council as the only efficacious solution for their problems. Terracina was not to spare himself in order to win the assent of Philip. Once this was obtained, the nuncio was to write back to Rome for instructions regarding the

⁵M. Gachard, "Correspondance de Marguerite d'Autriche Duchesse de Parme avec Philippe II," Correspondances Francaises des Gouverneurs Generaux des Pays Bas avec Philippe II Publiees par Ordre du Ministre de l'Interieur (Bruxelles, 1867-81), I, pp. 112-13.

details of place and date of convocation: " . . . once you know the will of his Majesty, you will indicate that the place and date will be discussed afterwards, so that [the council] may be held in all promptness and convenience."⁶

The king had ready explanations to answer the Pope's questions. Personally, he told the nuncio, he was willing to show as much generosity and as many favors as he had received from Pius. But in the matter of the council, the first interview of April 1 must have been a disappointment to the nuncio. Beyond praising the holy intentions of the Pontiff, Philip did not commit himself. He wanted more time to discuss it with his advisers, because it was no slight matter to convene a general council. The king of France had already asked Philip to help the Pope's plan, and, as a matter of fact, a special committee had just been formed for the purpose. But the final answer must wait.⁷

Terracina had no choice but to wait. He frequented the royal residence, conferring with the king himself or with the royal ministers. But in the meantime, a cautiously-worded answer, bearing the date of April 4, had been received from Margaret. She was not at all enthusiastic about a council. Earlier contacts with the Protestants had convinced her it was futile to expect them to submit to the decisions of a council under the tutelage of Rome. She also disapproved the special meeting which Philip had called, but she advised consulting their uncle, the Emperor Ferdinand, because the center of "evil" was in Germany. One had to keep watch over that sector, lest, "instead of doing good by summoning a council before knowing what means to use to persuade the states of the Holy Empire to submit to its decisions, it might just be that the mere

⁶ CT, VIII, pp. 10-11.

⁷ Ibid., p. 24 ff. CSP, VII, p. 186.

inauguration [of the council] would occasion more harm than good."⁸

Margaret was not the only one who hesitated. On May 5, Bishop Reverta reported that the Archbishop of Seville was raising difficulties against the council.⁹ Besides, other affairs had intervened to delay a decision about the council, namely, the Anglo-Scottish war and the disaster suffered by the Spanish fleet off Gerbae.¹⁰

Around May 9, the papal nuncio was still uncertain about Philip's response. All he could report was that the king "yet wanted to see how he could provide greater satisfaction to the pope." Two or three days later, Terracina saw the king again and received the first hopeful answer from him:

. . . considering the need of Christianity for such a powerful remedy as would repair the damage [done to it], I have decided to answer His Holiness . . . that I am greatly pleased to know the unstinting zeal and holy determination . . . to celebrate a council, praising it highly and offering him . . . my full assistance. . . .¹¹

One might perhaps note in passing that there is evident here a gradual progress toward a decision by Philip. At the first interview with the nuncio, the king merely praised the intentions of the Pope: lodando sommamente la pia intentione di V. Bne. Six weeks later, better informed after a series of consultations with his advisers and continued reports on the situation outside

⁸Gachard, pp. 171-74. Ch. Weiss, Papiers d'État du Cardinal de Granvelle d'après les manuscrits de la bibliothèque de Besançon publiés sous la direction de G. W. (Paris, 1846-49), VI-VII, passim.

⁹CT, VIII, p. 26, note 3.

¹⁰Luis Cabrera de Cordoba, Felipe Segundo, Rev de España (Madrid, 1876-77), lib. V, pp. 14-15. CSP, VII, pp. 17-18.

¹¹CT, VIII, p. 26.

of Spain, Philip indicated a more concrete decision, offering "full assistance." No details, however, were suggested as to place or date of assembly, no hints as to which of the Cardinals were preferred for the honor of presiding over the council as the papal legates.

It could be that Philip himself was just following the pace of the papal negotiations. But one month later, on June 18, these details were referred to the nuncio and communicated to Vargas in Rome. He was instructed to announce to the Pope the king's full adhesion to the council. This was not a hastily conceived answer; on the contrary, it was a decision long in coming and impatiently awaited in Rome. Up till then, the advisers of the Spanish king did not agree on the utility of the council. But because of "new developments . . . in France in connection with the national council whose celebration is with reason to be feared as extremely harmful . . . and ought to be prevented at all costs," a unanimous vote supported the king's decision. The statement of their opinion was drafted by the Archbishop of Toledo and submitted to the king. A copy was furnished the papal nuncio in Spain, who sent it to Rome with his own summary of its contents. This summary, which bears the date 18 June 1560, consisted of five points:

- 1) that he [Philip] delayed because the matter was very important and not to be decided [by him] alone; 2) that he approved the council to prevent the scandal of the national [council in France] and promised all his diligent assistance in every way; 3) that the suspension [of the Council of Trent] should neither be lifted nor proclaimed before one knew the mind of the Emperor or of the king of France, whether they were going to assist, to which he would urge them, especially dissuading the king of France from such a pernicious thing as the national council; 4) that His Holiness should permit free discussion in the

council of doctrine and of all the articles of reform; 5) that he [the pope] should choose legates qualified by their learning and their exemplary life.¹²

Reaction in Rome to the news from Spain was as expected. The Pope, Vargas wrote on 13 July 1560, was "extremely pleased . . . and never ceases his praise and approval of your attitude."¹³ It was perhaps literally true. A week or so before, the Roman Curia was rudely shaken up by the arrival of the French envoy, Abbé de Mame, bringing unpleasant information about the decision of the Cardinal of Lorraine to summon a national council for France. On July 12, a reception had been held for the ambassadors in residence at Rome, during which the answers from the secular princes were announced. Of these answers, only that of Philip II of Spain had afforded real encouragement to Pope Pius IV. The French legation had hedged, raising difficulties and objecting to Trent, but really playing for time. The Germans had accepted a council provided it was a new convocation, not a continuation of the Council of Trent.¹⁴ Thus, it was more than mere epistolary etiquette for Vargas to assure his sovereign that the Pope could hope for help only from Philip.

But, although the king of Spain had committed himself to the Council, more than a year would be spent in ironing out further differences. For one

¹² Coleccion de Documentos Ineditos para la Historia de Espana (Madrid, 1843-95), XCVIII, p. 150. (Henceforth, cited as CODIN.) Archivo Historico Espanol, Coleccion de documentos ineditos para la historia de Espana y de sus Indias publicados por la Academia de estudios historico-sociales de Valladolid (Madrid, 1928 ff.), VI, pp. 33-34. (Henceforth, cited as AHE.) CT, VIII, p. 27, note 2.

¹³ Beiträge, p. 337.

¹⁴ CODIN, II, pp. 554-56, 560; XCVIII, p. 167. CT, VIII, p. 39.

thing, Philip had insisted that a general council should not be held until the Pope had secured the unanimous consent of the princes, especially the king of France and the Emperor. They should also be consulted regarding the place of convocation and various other matters essential to the council. Otherwise, "the convocation and the promulgation [of the council] would not have that effect which His Holiness and all of us ought to look for. Nay, one might find a pretext for offense and hinder the council. . . ." ¹⁵

This was no imaginary fear of Philip. Communications from the Count of Luna, Spanish agent at the Imperial court in Vienna, kept the Spanish king informed of the activities of the Protestants in the Empire. In other matters, they were at odds among themselves, but in opposition to Rome, they were united. They did not conceal their determination to disturb the resumption of the Council of Trent. "They would rather go to Rome than to Trent," Luna wrote in despair; "they would seek by every means to disturb the council." The Emperor himself was hesitating. Luna reported that "his Majesty will not easily admit the Council of Trent and seeks to play for time so that there is no decision without the approval of the Protestants whom he fears." Ferdinand's mind had been influenced by the French ambassador who was pursuing a policy directly opposite to the full approval that his sovereign Francis II was said to have adopted towards the Council. ¹⁶

Information such as this was disturbing to Philip. He knew that the French maintained an ambassador at the Imperial court for the purpose of convincing the Emperor to petition a new council to convene at another place than

¹⁵ CODRIN, XCVIII, 150-51. AHE, VI, pp. 42-43.

¹⁶ CODRIN, XCVIII, p. 151.

Trent, so that it would not be regarded as a continuation of the previous Council. Philip himself had just learned from his own ambassador to France of the edict of Fontainebleau which summoned a national council for France. This was confirmed by the Archbishop of Limoges whom Philip called to an interview. And, although the explanation of the French ambassador seemed to suggest a possible solution to this new problem, the king's apprehensions were not allayed. For the ambassador had admitted that it was in the hope of calming the people that the French court had encouraged the movement for a national council, especially since there was a delay in the opening of the universal council, and the king of France had no intention of fulfilling his promise.¹⁷ Even so, the horizon seemed darker than ever.

Faced with such a situation, Philip II decided to intervene. On September 2, he handed written instructions to Antonio de Toledo, prior of Leon, whom he named as his special envoy to France. Through him, Philip hoped to dissuade the French from their course. The national assembly, Philip asserted, was only going to encourage further rifts in a country already split between two mutually aggressive parties. Besides, as Philip confided to his sister Margaret, he wanted to serve notice on the French, or more accurately, "their ministers who have not yet forgotten their habitual [mode of acting]," that he was "well advised of their practices."¹⁸

The instructions given to Toledo were a detailed series of arguments to induce the French king to revoke the proclamation of a national council. As surely as the universal council was the answer to the difficulties of Chris-

¹⁷ Ibid., p. 151.

¹⁸ Gachard, pp. 267-68.

tianity, so would a national council in France severely complicate the lamentable situation of that country. A national council was not merely bad precedent, but it would seriously affect the chances of a general council. In order that Toledo might more easily win over the French, he was to offer the backing of Spain's military might, in case new disorders occurred once it became known that the national council was abandoned. Toledo was not even to refuse the personal assistance of Philip if that were necessary. Still, if all this failed, the prior must try for a postponement of the French national council. This would allow time to reconsider the whole situation. In the meantime, the general council will have been decided and acted upon. Perhaps there would be no need to resort to a national council because a general council would certainly facilitate the solution of affairs in France.¹⁹

Antonio de Toledo's mission to France was Philip's spontaneous reaction to the situation across his northern borders. He could not remain indifferent because every important event outside his kingdom necessarily affected his politico-religious program in Spain. But he had looked further and duly instructed his agent in Rome to inform the Pope of what he had done so that

. . . [His Holiness] may see the special concern we have in what concerns religion and the authority of that Holy See . . . not sparing any efforts, not even our life . . . that the more he knows this about me, so much the more obligation does His Holiness have of doing, for his part, what that supreme rank in which God has placed him obliges him. To this end you will speak at length as you find proper.²⁰

Rome, however, hailed the gesture of Philip. "One cannot describe the delight of our Lord," Borromeo wrote to Terracina on September 17. Pius IV

¹⁹CT, VIII, p. 63. Agustín G. de Amezua y Mayo, Isabel Valois, Reina de España (1546-1569): Estudio Biográfico (Madrid, 1949), III, Appendix.

²⁰AHE, VI, p. 68.

himself dispatched a brief to Toledo expressing his satisfaction and adding further instructions on the affair. It was about this time, however, that the Pope had been manifesting signs of dissatisfaction with the court of Spain. Disregard of diplomatic protocol by Vargas was one of the main causes. The lack of response from the princes was another, and the disappointment he felt at the replies from the Emperor and the king of France added to his irritation. But it was especially Philip whom he reproached for the impasse to which the conciliar negotiations had reached, for it was the king of Spain who had suggested soliciting the aid of these two sovereigns. And now their refusal to commit themselves had brought the conciliar preparations to a virtual standstill. To make matters worse, the disheartening news of Antonio de Toledo's mission reached Rome on the night of October 9. The next day, Vargas hurried to the Pope to communicate the dispatch that had just come. The prior of Leon had arrived in France too late and the royal household had already made up their mind before he came, convinced that only a national council would solve the chaos in that country. The Roman pontiff had perhaps some premonition of this, but it must have crushed him to realize that France had refused to cooperate with him.²¹

The consternation in the papal curia is reflected in the five letters dispatched at once to Madrid on four successive days, October 11-14, following Vargas' conference with the Pope. One was from the Pope, two were from Vargas, a fourth was written by the Count of Tendilla who had stayed on to help Vargas after the ceremony of the obedientia had been tardily performed by the Count, with a fifth from the papal secretary of state, Cardinal Borromeo. These

²¹ CT. VIII, pp. 63, n.d., 72-76. Cabrera de Cordoba, p. 11.

letters are a chorus of urging and near desperation to open the Council immediately, even without the consent of the Emperor or the king of France. Vargas and Borromeo stressed that the Pope was definitely resolved on resuming the Council of Trent (ha fatto una gagliardissima resolutione), the Spandard adding that the Pope was nevertheless in "great fear" because the Empire and France were adverse to the Council. Instructions were awaited from Spain; "nothing else is expected [in Rome]" and the time left is much too short for what must be done, and all know that this [the opening of the Council], as the rest, depends on your Majesty."²²

Philip's answer was not long in coming. Meanwhile, the basic difference between Spain and the Holy See regarding the future council had been slowly coming to a head. On September 14, about the time that Philip had sent Toledo on his fruitless mission to France, a confidential letter solì papae had been sent by King Philip to the Holy Father, "as to a father whom I love and respect dearly." Philip protested because Pius IV had, it was reported, permitted a discussion about the validity of the decree on justification which had been passed in one of the past sessions of the Council of Trent. The king wrote that this could hardly have come at a more inopportune moment and might hinder the general council while precipitating the national. The Protestants would be encouraged to disregard Trent, and the Catholics would be scandalized. And so, "that your Holiness may understand better the reasons which I could enlarge, but I do not want to delay much longer, I merely ask your Holiness for a personal reply without telling anybody about it. . . ."²³

²² AHE, VI, pp. 83-88. CT, VIII, p. 85. Beiträge, p. 342.

²³ Ibid.

Philip's complaint to the Pope had been occasioned by Ferdinand's continued ambiguity with Rome. As far back as May 1560, the Emperor had been solicited both by the Pope and by his nephew to support the continuation of the Council of Trent. After much hesitation, Ferdinand sent a reply on 26 June 1560, after Philip had decided to second Pius IV's proposals. Ferdinand's response was negative. He urged delay for a year or more and demanded reform before a council was held, as evidence to the German Protestants that the Church was sincere in her efforts for a spiritual renovation. It would thus be easier to invite the Lutherans to the Council, and easier for them to accept the future conciliar decrees. Ferdinand also insisted that the Council should be a new convocation, not a continuation, "for the reasons which I allege and your Highness [Philip II] will see from the said copies [of Ferdinand's letter to Rome]. Your Highness can take it as certain that if the Council is continued, war will break out in Germany and in England. This is the thought that makes me hold on to my opinion."²⁴

All throughout the negotiations with Rome, Ferdinand's basic stand did not change. He may have had the best of intentions, but his ministers did not always agree with him. Hence, he tried to dissemble in his letters to Philip; but to the Pope, he repeatedly mentioned the difficulties of the Protestants against the Council of Trent. They refused to admit the binding force of the sessions under Pope Julius III, ostensibly because not all the Christian states had been represented, but really because their views had been condemned there. Continuing the Tridentine assemblies was a virtual confirmation of that condemnation, whereas a new council offered a second chance to air their views.

²⁴ CODDIN, II, p. 560.

With a few slight differences, the same position was held by the French Huguenots; they joined in the petition for a new council and a repudiation of the decrees passed in the earlier sessions of the Council of Trent.

In order to conciliate the Protestants, Pope Pius IV made the gesture of asking a few theologians to look into the matter, especially the validity of the decree on justification before its papal confirmation. Ambassador Vargas had also been asked his own opinion, with which the Pope agreed. For diplomatic reasons, Pius sent an ambiguous reply to the Emperor and to the French. Vargas had suggested leaving the question of the previous unconfirmed conciliar acts aside as long as the Council was in preparation and there was talk of inviting the Protestants. Once the Council was in session, the Pope must confirm the decrees in their presence, not because they would be invalid without this formality, but for the "other effects which follow such confirmation."²⁵

Whether or not Philip's secret note against this way of acting provoked the Pontiff's ire is hard to say. But Vargas reported that at the ambassadors' reception held on September 25, Pius IV had spoken seriously and "even in anger these formal words: 'We wish now neither to confirm nor to revoke the decisions of the Council of Trent. . . .'" And it was good, added the Spaniard wryly, that the words had been uttered in everyone's presence because those present, especially the Imperial ambassadors, "could put them in writing." The Pope, however, could not dismiss the objections of the monarch he could least afford to antagonize. He was profuse in his assurances to Vargas and wrote a personal note to the king of Spain, protesting that Philip had been misled in believing that Pius denied the validity of the decree on justifica-

²⁵ AHE, VI, pp. 95-100.

tion. Only one man's opinion, Cardinal Puteo's, had been asked and he, Pius IV, had always held the validity of the Tridentine decrees. The council would be a continuation, even with Philip's help alone.²⁶

Vargas was to report this a week later. Philip was the only monarch who supported the validity of the decrees of Trent. Thus, the Pope and the king of Spain were really of one mind, but the mutual suspicions were traceable to an officious clique. In the typical style of his dispatches, Vargas attributed the difficulty to a group "who meddle with hands not too clean. . . ." Moreover, "whatever neglect there is on the part of His Holiness is due to an oversight, or because there is no ~~one~~ who dares to speak, unless to flatter him all the time." The communication seems to have quieted Philip and the issue was dropped for the time being.²⁷

About the middle of October, Philip had met again with his special council on receipt of the dispatch just mentioned. At this time the subject of the site of the Council had come up. The king's advisers decided that Trent was preferable, but whatever decision the Pope should make would be acceptable. The Council should not be delayed because of the question of its meeting place, which was in itself indifferent. Philip communicated this information to the ambassador of France on October 30. He indicated to Limoges that the site might be a French city--Vercelli or Besancon, preferably the latter as it had been requested by the French and was acceptable to the Germans.²⁸

²⁶ Ibid.

²⁷ Beiträge, p. 340.

²⁸ CT, VIII, p. 90 ff. AHE, VI, pp. 112-13.

It is interesting to note that, for the first time in the negotiations, Philip had yielded a not inconsiderable point. Despite his firmness in maintaining that the coming council was a continuation, and therefore should be held at the same place as before, he now accepted a suggestion that had originally come from Rome that the place of meeting could be elsewhere besides Trent. This was not a sudden volte-face. From the beginning, the Pope and the king of Spain knew that the location was not of the essence of a universal council. But the Protestants took Trent as a symbol of their break from Rome and they were not going to be cajoled into attending a council that had already stigmatized them. The Pope wanted their presence at the Council. Until the news of Toledo's failure in France, Philip objected against any overtures planned by Rome. But the need to open the Council at once led the king to forego insisting on his demands.

iii

With this unequivocal indication of Philip's support, the way was clear for the inaugural session of the Council. On 15 November 1560, the Pope announced that the idea of a council had been accepted and ordered prayers for its success. Two weeks later, on December 2, the bull of convocation was publicly read. The Council was to convene at Trent, and Easter Sunday, 6 April 1561, was set as the opening day.²⁹

Easter Sunday in 1561, however, did not see the solemn reopening of the Council of Trent. Another dispute erupted between Spain and the Holy See

²⁹Cabrera de Cordoba, p. 14. Cabrera says that the Pope's hesitation in sending the bull of convocation to Philip was dissipated by Cosme de Medici who urged the Pope to grant naval subsidies to Spain and then dispatch the bull to Philip.

occasioned by the bull of convocation. The form in which it had been promulgated had not been unanimously approved in the Curia, because it had not clarified the relations between this new council and the past sessions at Trent. Three days before its formal proclamation, some of the older and more learned ecclesiastics objected to the wording, because the bull contained the words "we reconvene" (revocamus) and "we proclaim anew" (de integro indicimus). These expressions, it was claimed, gave room for doubting the validity of the past decrees of the Council of Trent. The Spaniard Vargas, who seems to have exerted quite an influence over this group, reported that it was what he had been maintaining all the time. He had pointed it out before to Pius, suggesting the word "we continue" (continuuamus) instead. But the Pope had been persuaded to leave off further discussion.³⁰

The present objection against the bull was just a revival of the old conflict about the nature of the conciliar assembly: was the council going to continue the suspended sessions of the Council of Trent, or was it a new convocation altogether? Two answers were given, two contrary mentalities that needed reconciliation. One represented a prudential judgment that allowed some margin of accommodation in nonessentials. This was the papal attitude, well aware of the Emperor's repeated demands and of its own apostolic desire to win back the Lutherans. The bull had been studiously worded, avoiding explicit mention of the complementary nature of the projected council in order not to exasperate the German Protestants further.

The second flowed from a relentless orthodoxy that had already had bitter experience of such capitulations. This was the stand of Philip II and

³⁰ AHE, VI, pp. 129, 141. CT, II, p. 349. Beitrage, p. 348. CODDIN, XCVIII, p. 129.

the Spaniards, best expressed by Vargas in one of his dispatches to the king:

. . . they put in doubt the decree on justification, which is what the heretics want and labor to obtain . . . a thing most prejudicial to the Church if secured, and destructive of all that has been decreed by her to confound the heresies of these times. . . . Hence, now more than ever, it is necessary that the council be continued in Trent.³¹

In the context of the Spanish Church, this meant the articles on justification which had been applied in all their rigor throughout Spain and whose violators had been penalized by burning. Hence, "if in a new council they had to go back and discuss the matter and by chance the contrary were decreed or [the present decree] be altered in any way, those victims will have been burned unjustly, which would be a very great scandal and the cause of the greatest evils."³²

Almost the same reasoning was suggested by Luna at the Imperial court. He had not received any communications from the king, but a letter of the royal confessor indicated that Philip wanted to avoid new discussions on articles already defined de fide, such as those on justification. It was not for fear of new conclusions, the Count pointed out, but rather lest a precedent be set for others to challenge at will decrees already approved or to be approved in future councils.³³

In March 1561, the king of Spain sent Juan de Ayala to Rome, with secret instructions bearing the date of 13 March 1561. Philip wanted him to negotiate a change in the words of the bull. This was to be done behind closed doors

³¹ Beitrage, pp. 337-38.

³² J. Susta, Die romische Kurie und das Konzil von Trient unter Pius IV (Vienna, 1904-14), I, p. 171. (Henceforth, cited as Susta.)

³³ CODOIN, XCVIII, pp. 185, 191.

because Philip did not want it known there was a difference of opinion between him and the Pope. Ayala's mission was rather late, four months after the promulgation of the bull of convocation; but the king had taken time to confer with his special advisory committee. One reason why he made so much ado about the bull was that it had been solemnly published and the explanations and assurances given by the Pope in his letters to the king, or by word of mouth to Vargas, were not considered sufficient to erase the impression that it was going to be a new council. Ayala, therefore, was instructed to seek a formal declaration by the Pope that the Council of Trent was a legitimate and universal council, its decrees were obligatory and no longer subject to discussions. This was a difficult task, the king's ministers realized, but not to be avoided, considering the harm it would cause the Church without such a declaration. One could not risk invalidating the decrees passed at the Council of Trent.

The evidence shows that Ayala failed in what he had set out to do. He had reached Rome in the middle of April and had several conferences with the Holy Father. His reports to Spain had one theme: there was little chance of rewording the bull. It was a matter of dignity and self-pride, he wrote, something that touched a sensitive spot, especially since the bull had been submitted to persons considered as pillars of learning before its proclamation. It was taken as virtually a degradation of the papal authority to accept dictation from the Spanish court, as though the Holy See needed to be told what to do!³⁴

On May 4, Vargas and Ayala sent a joint report that the Pope had offered them an explanation and a decided refusal to amend the bull. But Pius IV had

³⁴ AHE, VI, pp. 252-55. Susta, I, p. 30 ff.

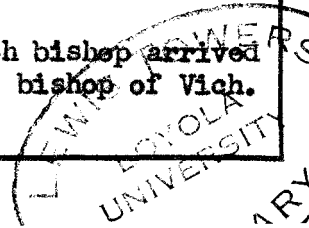
added a promise to send a special brief to Philip to assure the monarch that the council was a continuation and that the decrees of Trent were valid. This was going to be a secret brief, but the king could furnish his prelates copies to bring to Trent, so that in case the council introduced matters that had already been approved, Vargas assured the king that the prelates "could leave the council and forget the entire thing, without losing their honor or incurring the censure of God and men."³⁵

When Philip II received the May 4 report from Vargas and Ayala, he held another consultation with his special committee. He listened to their opinions and finally agreed to accept the unrevised bull of 2 December 1560, together with the promised secret brief from the Pope. The latter was not the solution he sought, but it was the next best thing. The politico-religious situation in France urged the opening of the universal council, and the Pope had guaranteed what he and his Spanish advisers had been fighting for, namely, that the council soon to reopen was a continuation, that the future assembly was not going to touch what had already been promulgated in the past. Besides, the Spanish court had information that the Pope had also promised to send pertinent instructions to the legates at Trent.³⁶

The final decision of Philip was first reported to Rome in a dispatch of the papal nuncio in Spain dated June 5. The king of Spain had agreed to all the Pope's ideas, and was in the process of choosing the prelates to send to Trent. He was studying the lists received from his various kingdoms and those

³⁵ AHE, VI, pp. 263-65.

³⁶ CT, VIII, p. 228. Beitrage, p. 366. The first Spanish bishop arrived in Trent on 26 September 1561, Bishop Aciedo Moya de Contreras, bishop of Vich.



whom he personally approved were given orders to start their journey as soon as the summer heat of August was passed.³⁷

Official confirmation of Philip's consent arrived in Rome on 2 July 1561, "amid the greatest satisfaction and contentment." A few other obstacles held up the opening session, but the main difficulties were solved as far as Spain was concerned. Six months later, on 18 January 1562, the solemn inauguration of the third convocation of the Council of Trent was held.³⁸

³⁷Susta, I, pp. 44-45. Gachard, I, p. 518. CODDIN, XCVIII, p. 234. AHE, VI, pp. 342-46.

³⁸Susta, loc. cit.

CHAPTER III

PROPONENTIBUS LEGATIS

The present chapter is a brief analysis of a dispute that arose between the Holy See and Spain concerning conciliar protocol, or the right to propose matter for discussion at the Council of Trent. This incident had been described in a burst of anger by the Pope as a sterile debate over an empty ablative absolute and has not engaged the interest of historians as much as other controversies, but the issue involved was a significant one. The Spaniards had come to Trent with specific reform measures, but the opening decree immediately antagonized them for they claimed that it denied them freedom to bring up their proposals for discussion. They objected to a phrase which they interpreted to mean the exclusive control of the debates by the presiding legates. The controversy that was raised was on the external procedure of the Council and it raised storms of protest whenever the sessions did not proceed according to the wishes of the Spaniards.

1

Some time before the solemn reopening of the Council, the Cardinal Secretary of State sent instructions to Trent that the procedure adopted during the second convocation of the Council of Trent in 1551-52 should again be followed. Matter for discussion was introduced by the papal legate. On occasion, the secretary of the Council read a statement of the topic for discussion which had been prepared by the presiding committee. In the debates that followed, each

vote was recorded by the secretary. Preparatory to the plenary session, any number of general congregations were held. These were the heart of the Council because conciliar business was transacted in these meetings: the admission of royal ambassadors, the announcement of papal communications, the revision and preliminary approval of decrees. A decree was not finally ratified until it had first been passed by the fathers at the general congregations. As the name implies, everyone was expected to attend these congregations, which were distinct from the particular gatherings of the various groups in Trent. The important private meetings were those of the theologians who had the initial task of drafting doctrinal decrees. Reform decrees were not the work of any specific group. Often the papal legates themselves, in consultation with a selected few, drafted the first copy of a decree; at other times, the royal ambassadors or the prelates were asked their suggestions, which were examined by the legates before being submitted to the congregation. More serious matter was referred to Rome. Of the other private assemblies, mention might be made of the national groups, not the least of which was the Spanish bloc. Formal promulgation of a conciliar decree was made in the solemn plenary session. This was a gala affair, attended by all who were in any way connected with the work of the Council, but not all enjoyed the right to vote.¹

In anticipation of the reopening session finally set for 18 January 1562, the Spanish prelates held private meetings in the residence of Pedro Guerrero, archbishop of Granada. There were only about twelve prelates from Spain at this time in Trent, not counting the bishops of other nationalities

¹Gabriel Palleotto, "Acta Sacrosancti Oecumenici Concilii Tridentini sub Pio IV Pontifice Maximo," in Augustinus Theiner, Acta Genuini SS. Oecumenici Concilii Tridentini (Zagabria [Croatia], 1874), II, pp. 526-34. Susta, I, pp. 40, 105.

subject to the rule of Philip II. They formed the biggest national group and they won the respect of others, not only by the external sophistication of their manner and dress, but especially by their learning and orthodoxy. They numbered certain eminent prelates among them, such as the canonist Antonio Agustin, bishop of Lerida, the affable Pedro Gonzalez de Mendoza, bishop of Salamanca, whom the legates used to mediate with the more intransigent of the Spaniards, and Pedro Guerrero himself, known as an able theologian.²

The purpose of their meetings was to marshall their arguments and present a united front to push their demand for an explicit declaration that the present convocation was a continuation of the Council of Trent. On hearing about this, the legates feared for the Council lest it be dissolved even before it had begun, for the Imperialists and the French had signified their intention to stay away if such a declaration was made.

In this strained atmosphere, the first presiding legate, Cardinal Ercole Gonzaga of Mantua, summoned a general congregation on 15 January 1562, three days before the opening. Among other things, details of the inaugural session were outlined, but its main task was the enactment of two decrees, one to formally resume the Council of Trent, the other to announce the date of the next plenary session. A draft of the opening decree had been prepared by a special group appointed by the legates, who had to make sure that the words of the decree would be acceptable to both those who wanted an explicit statement of continuation and those who wanted the Council to be a new indiction. Massarello, the secretary of the Council, read a copy of the opening decree before the assembled prelates, after which Cardinal Madrutius of Trent stood up and

²Theiner, I, pp. 665-75. CT, II, p. 635.

accepted it in the name of all those present. No dissenting vote was recorded and the congregation closed with a reading of a letter from the Pope.³

Next day, January 16, Guerrero shocked everyone by announcing his disapproval of the decree. He was not satisfied with its wording and he was withdrawing his vote unless the clause, proponentibus legatis ("on the proposal of the legates"), was removed. He said it was a novel expression which tended rather to limit the freedom of conciliar discussions. Explicit insertion of the phrase into the decree could only mean that the presiding legates wanted to exercise exclusive rights of deciding which subject to treat in the Council. This was an abuse and the heretics might seize upon the phrase as a pretext for not coming to Trent because there would be no freedom during the sessions.

On learning about this, the legates deputed Massarello to work out an agreement with Guerrero. The secretary of the Council pointed out to the archbishop that a decree approved by a general congregation was a conciliar decision and could not be changed so lightly. More importantly, the phrase Guerrero questioned did not curtail free discussion or free proposal of the subject matter. The legates would certainly allow the fathers to introduce what they considered good for the Church. Besides, was not he, Guerrero, furnished with a copy before he voted?

A copy of the decree had indeed been shown in private to Guerrero with which he had had no difficulties. At the general congregation, the archbishop had been furnished with another copy of the same decree and, together with the other fathers in the congregation, Guerrero had cast an affirmative vote. Not

³Palleotto, pp. 530 ff. CT, VIII, pp. 291-92, note 2; II, pp. 472, 284, note 5. Baluze-Mansi, Miscellanea (Lucca, 1761), IV, p. 210. Susta, I, p. 165.

once, then, but twice had he signified his approval of the opening decree. Now, however, Guerrero was forced to change his mind. It was given to angels, he explained, not to men to be able to grasp the full meaning of things when first known. When first confronted with the decree, he did not at once realize the full implications of its formula. Subsequent reflection had convinced him that the decree was not well worded and he could not approve it as it stood. He regretted his action, but he could not bring himself to consent to it. He had erred; at least, he might correct himself. Silence would give the contrary impression.⁴

After Massarello had gone, Cardinal Seripando, friend of Cardinal Gonzaga and himself a papal legate at the Council, was sought out by Guerrero. In so many words, the archbishop explained why he disapproved the inclusion of proponentibus legatis in the opening decree. The phrase implied a loss of dignity for the Council, since the fathers were denied the right to propose articles for discussion. He had signified his assent at the general congregation, not because the phrase when first read in public did not displease him, but lest he appear to quibble over mere words ["ne videretur in verbis esse contentiosus"]. The principle itself ["rem ipsam"] he did not disapprove, namely, that the legates lay before the floor the matter for discussion. But, after the congregation, he had noticed that some Italians had also expressed their dissatisfaction over the new decree. This decided him to make known his own disagreement.

There is a slight trace of exasperation in Seripando's version of this

⁴Palleotto, p. 530. Baluze-Mansi, IV, pp. 211, 216.

incident.⁵ He tried in vain to show the fallacy in Guerrero's arguments. Were those Italians merely being contentious? Were they enemies of united effort, seeking to abuse the authority of the Council so peaceably begun? As for the Protestants and heretics, they absented themselves because their opinions had already been condemned, not because there would be no freedom at the Council. There was really nothing wrong with the words Guerrero complained about. To propose was not to decide, and freedom was in choosing, not in proposing things to choose from.

The archbishop was not convinced. Before they parted, Seripando offered to bring the matter again to the attention of the fathers, even to summon them to a second general congregation. Guerrero said nothing.

To the legates, Guerrero's turn-about was a complete surprise, but they did not consider it a major obstacle to the reopening of the Council. The decree had been unanimously approved in a general congregation, and the opening session was held as scheduled. The decree was solemnly promulgated on 18 January 1562, with four dissenting votes from Guerrero and three other Spanish prelates, the bishops of Orense, Leon, and Almeria. The other Spaniards ratified their approval of the inaugural decree.⁶

ii

News of the events at Trent drew an immediate response from Vargas, the Spanish agent in Rome. Without waiting for instructions from Philip II, he wrote a long letter to Archbishop Guerrero on January 31, supporting the

⁵CT, II, pp. 472, 554-56; VIII, pp. 291-92.

⁶Theiner, I, p. 676. Susta, I, p. 164.

latter's stand against the opening decree. Protesting obedience to the Holy See, Vargas expressed concern about the way the Council was proceeding, at least from what he had gathered from the first decree. There was much in favor of the decree, he admitted, but also much against it. There was no mention of continuation and an unusual clause, proponentibus legatis, had been included for which the Spaniard saw no reason at all. And Vargas launched himself on an avalanche of reasons to delete it from the decree.

It was a radical innovation, he began, a dishonor to the Holy See. It killed conciliar authority, stifled free conciliar action. To be sure, legates had always presided over a council. But the word "preside" had three meanings. There was, first, an honorary presidency. Vargas saw no difficulty in this, for the legates enjoyed all the honors due to their dignity. There was, next, a directive presidency. De iure, legates ought to direct conciliar proceedings but this had not always been true. De facto, caesaro-papist abuses had allowed secular rulers to influence the councils. Lastly, there was an authoritative or coercive presidency. And this Vargas explained by recalling historical precedent.

First of all, he said, at Constance there was no problem of the presidency of the Council. The schism had been going on and the presiding legate had been named by the Council, not by the Pope who had fled. In the Council of Basle, the question had caused an uproar. Up till then, caesaro-papist practices had controlled the councils. Had Pope Eugene IV (1431-47) insisted on imposing the authority of the papal legates over the Council, the gathering would have immediately dissolved. There would have been no freedom, for conciliar decision would have been subject to subsequent approval by Rome. The

essence of conciliar action would have disappeared, since decisions would have depended on one or two persons only. That was why, at Basle, Eugene's appointee had been received on condition that he exercised only directive presidency.⁷ Finally, at Florence the problem did not appear, for the Pope himself was present. Now, in the previous sessions of Trent, there was a slight alteration in that the legates of Popes Paul III and Julius III were the ones who wanted to preside and promulgate what they wanted. But there had been a close harmony between the legates and the synod. Since the legates were traditionally accorded the title "conciliar president," a new custom had sprung up. The name of the legates thus came to be included in the conciliar decrees, in some such phrase as "the Holy and Universal Synod, under the presiding authority of the legates of the same Apostolic See. . . ." This was taken to be merely an expression of what had always been understood, in order to explicate the authority exercised by the legates. No one denied that authority. But, the present inclusion of the words proponentibus legatis showed that the legates intended to exercise their authority in all three meanings of the word "preside." This meant, therefore, that the legates would assert to themselves unlimited coercive power, which would be the end of free conciliar action.

Vargas added that it came as no surprise that only a few had dissented with the decree. Without explicitly saying so, he suspected a plot behind the

⁷Vargas hovers dangerously close to conciliarism. Papal infallibility and papal supremacy over a council is, of course, a doctrinal tenet of the Roman Catholic Church, defined after Vargas. See for more details F. Cereceda, "El nacionalismo religioso español en Trento," Hispania 5 (1945), pp. 236-85, and Diego Lainez en la Europa Religiosa de Su Tiempo, 1512-1565 (Madrid, 1945-46), II, p. 132. This is an example of how skillfully Vargas can use facts to support his own views. Not without reason was he kept in Rome to represent Spanish interests.

move of the legates who, he argued, arranged to distribute copies of the decree moments before the voting, in order to leave very little time to reflect on it. If, he concluded, the legates truly did not intend to smother free conciliar debate, the phrase should be removed.⁸

Meantime, other pens were busy. On February 16, the legates sent a report to Cardinal Borromeo. They informed him of Vargas' letter, attributing some intangible but not improbable motive to the intervention of Vargas. His words were rather pretentious, they wrote, and he would want to see the Spaniards honored as the leading personalities who gave direction to the Council. But, they explained, ". . . it is not in this direction that [the right] to propose has to be understood." Ultimately, Vargas asserted, the articles already settled in the past sessions of Trent would all be called in question and discussed anew, including the decree on justification.⁹

On the same day, Guerrero wrote a letter to King Philip, of which only a fragment exists. But it is clear from the context that the archbishop sought the monarch's personal intervention:

Your letters . . . will carry great weight ("valdran mucho"). . . .
 [If the decree is not amended] it will be better if your Majesty orders us back to our churches, for nothing will be done. His Holiness manifests his will to the legates, they propose [it] and all the Italians, even some non-Italians, then give their assent. Now your Majesty will understand what can be done and of what use the Council will be with this manner [of procedure].¹⁰

⁸ Beitrage, pp. 387-93.

⁹ Susta, I. pp. 26-29.

¹⁰ Beitrage, p. 399.

On March 3, perhaps to forestall Philip, Cardinal Borromeo dispatched a communique to Bishop Crivello, the papal nuncio in Spain. He did not relay all the information received from Trent. He merely advised the nuncio to tell the king that Rome was aware that Vargas had written to Guerrero. Then Crivello was to explain that the opening decree had been examined by all before it was put up for voting. It was a conciliar decree and required similar conciliar action to change it. The disputed phrase had been included merely for orderly procedure and to avoid confusion in the sessions. The legates would be glad to introduce matter for discussion if suggested at the proper time. This was part of the role of the legates, namely, to introduce articles for discussion. Decisions were made according to the votes of the fathers.¹¹

The attitude of Philip II is revealed in the letters he sent to Rome on March 22 and 30. Considering the agitation of Vargas and Archbishop Guerrero, the king manifested an initial lack of enthusiasm that is quite a contrast. In the second of these letters, he wrote that he was making an appeal to the Holy Father, as the first thing one ought always to do. He realized that the opening conciliar decree could not be revoked. Instead, he suggested making a public announcement that the legates, despite the contrary impression, did not object to free debates at the Council and were willing to listen to proposals from the fathers. This suggestion was made because rumors had reached the king from the north that the Catholics had also been scandalized at the wording of the decree and quite concerned about the limitations imposed on the Council.¹²

¹¹Susta, II, p. 399.

¹²CT, II, p. 485. Susta, II, pp. 78-79.

After he received Philip's letter, the Pope made known his own opinion on 28 April 1562. Together with a copy of the king's note, Pius sent instructions to Trent, brief instructions that decisively demolished the arguments of Vargas at one stroke:

. . . let Us not be for doing something not worthy of Us, nor would We wish you to do it yourselves. We would thus answer you just as We had partly hinted before that, since the decree ("la cosa") has been approved and confirmed by the vote of the whole council, even if two had been opposed, it would be against the freedom of the said council to wish now to put it in doubt. . . .¹³

One might expect that this would put an end to the incident, especially since on April 18, ten days before the papal instructions, the Marquis of Pescara, pro-tempore Spanish orator at the Council, had written to his Catholic Majesty that the legates, in their haste to open the Council, had not been particularly concerned about the formula of the opening decree and did not give that much weight to the offensive phrase. The decree had been worded only with an eye to orderly sessions, and the king could rest assured that conciliar freedom was not endangered.¹⁴ This was followed on May 7 by a full report which the legates themselves composed for Philip, per modo di historia, justifying the decree and answering, at the same time, charges of procrastinating and stalling in the recent meetings. The historia recalled the initial activities of the Council and tried to prove that Guerrero and his companions misread what "to all persons of intelligence is most apparent and does not in itself invite any sort of a doubt. . . ."¹⁵ Then on May 15, the Holy Father

¹³ Susta, II, pp. 98-99.

¹⁴ CODOIN, IX, pp. 125-26.

¹⁵ Ibid., pp. 161-70.

tactfully admonished the king of Spain to guard against the misdirected zeal of his royal ministers and prelates. Under cover of defending the freedom of Trent, they sought instead to suppress it:

Where has it ever been seen that Our legates were not the ones who introduced the matter for debate in the councils? Now since the entire council, except for two (and even they had at first signified their approval although afterwards they immediately repented of their action), had decreed that it /proponentibus legatis/ was good to prevent confusion and preserve order, how can We, or ought We, to revoke the decree. . . .? This would be to destroy the freedom of the council, and put in doubt all the past decrees. . . .¹⁶

These were wasted words as far as Vargas was concerned. In a stormy interview early in May 1562, the Pope had admitted to the ambassador that the decree had not been referred to him beforehand and that he was dissatisfied with it when he had finally received a copy. Nonetheless, since the Council had promulgated it, Pius was not going to touch it, but he promised to consult the legates about it.

This was to challenge the Spaniard. Vargas fought against the clause precisely because he objected to any exercise of authority by the legates, unless it was to serve merely as the mouthpiece of the Pope. Time and again, in the two years that the dispute dragged on, Vargas assailed the conduct of the Council under the direction of the "legates, some of them, and other Cardinals /who/ have their interests. . . ."¹⁷ Vargas harbored an invincible prejudice against the legates of the Council and he had never been quite reconciled to the appointment of either Cardinal Gonzaga or Cardinal Seripando as legates of Pius IV to Trent. He invariably detected a sinister motive behind their actions. Proponentibus legatis was just one of several occasions when he clamored

¹⁶Ibid., pp. 197-98.

¹⁷Ibid., pp. 149-52. Beiträge, pp. 484-85.

against what he considered the usurpation of authority by the legates, a vile trick in the name of religion to use the Council for their own selfish ends.

But neither did Rome consider Vargas to be as single-minded as he claimed to be. In the words of Cardinal Borromeo, he "seeks to belabor His Holiness and this pious interest [for conciliar freedom] in every way he can."¹⁸ More bluntly and perhaps more correctly, Pius IV told the ambassador to his face on several occasions that he was ambitious and obnoxious, wanting to have his say in every single issue, censorious and always in opposition to papal action.

Other men would have recoiled before this broadside, but not Vargas. As he mentioned in his several letters to the king and to the other royal ambassadors of Philip elsewhere, he suffered this insult but used the opportunity to remind the Pope that he was much obliged to Philip II for the king's service to God and the "holy zeal with which, as defender of the Faith and of this Holy See and the authority of the Council, [his Majesty] occupies himself."¹⁹

iv

It is not necessary to trace all the incidents of this quarrel. For two years the court of Spain kept up its "pious interest" in the fate of the clause, proponentibus legatis. The one most interested in the affair was Vargas. He personally felt responsible for the march of the Council because he was the minister of the most powerful monarch "whom God has placed in these

¹⁸Susta, II, pp. 93-94.

¹⁹CODOIN, IX, pp. 135-37.

times as the remedy and protection of the Church and of this Holy See, and of the authority and liberty of the council. . . ."20 His letters to the king of Spain invariably urged that something "ought to be done" about the "unlimited" power of the legates in contrast to the impotence of the prelates to propose and accomplish "something worthwhile" at Trent. Many reasons were adduced: the legates could shelve any issue that adversely affected them, as proven by the continuation disagreement; the legates misinformed the Pope who blindly seconded their decisions; it was not a true universal council because at Trent one heard or did "absolutely only what the legates wanted"; the legates "do not consent to include in the acts of the council either the individual votes or the objections which are raised by some in the sessions, which is . . . to deny the freedom of the council."21

There were at least fifteen occasions during the period of fourteen months from February 1562 to April 1563, when Vargas brought up the question to the Pope. In these audiences, he merely repeated the same arguments. There was really no advance in ideas, although the accusations became more bitter. Understandably, Pius IV exploded in anger a number of times, despite his accommodating nature, peeved not only by the pettiness of the whole issue, but also by the importunity of the Spanish ambassador.

That Philip II was not at first excited about the clause is not unusual for him. He was always slow in coming to a decision and he needed more motivation than was initially provided by the agitated dispatches of Vargas and Guerrero.

²⁰ See the letters of Vargas passim in Beiträge.

²¹ CODOIN, IX, pp. 223-24.

His first petition to the Pope has already been mentioned. By the second half of May 1562, another suggestion was presented to the king by Vargas. He reported being disillusioned by what he called the procrastination of the Pope, and when an answer had finally been given, it was what had always been quoted before: " . . . it was not possible [for the decree to] be touched in any way, even with an appended explanatory statement . . . since it had been passed by the synod and would bring great dishonor to the Holy See and to the legates. . . ." Vargas remarked that the affair could be closed in a similar way to the continuation debacle. Before the end of the Council, provision should be made to include in the conciliar acts a declaratory note that proponentibus legatis was never intended to destroy the freedom of the prelates to propose matter for discussion in the Council.²²

At this time, it had become obvious to everyone at the papal court, including Vargas himself, that the Pope disliked the Spanish ambassador and wanted him recalled to Spain. A replacement had been appointed, but he was detained at home because of sickness, forcing Vargas to continue as Philip's agent in Rome, suffering "unbearable martyrdoms" from the Pope, which "is a normal thing. . . ."²³

But even if Vargas was persona non grata to the Pope, his letters had made an impression on Philip. The king had had the time to study the question and he had begun to see that the representations of his prelates and lay ambassadors were not completely without foundation. In October 1562, the king sent

²²Beiträge, p. 436. CODON, IX, pp. 222-25.

²³CODON, IX, pp. 135-37.

a long letter to the Emperor. He asked Ferdinand to command his men at Trent to join the Spaniards in demanding a solution to the controversy. That is to say, the Imperialists were to back a petition of Philip for a declaration that the disputed clause was not a limitation of the freedom to propose matter for discussion in the Council. The idea was to put pressure on the Council, since Rome had always refused to act independently of the fathers at Trent. The declaration would serve, according to Philip, as the answer to the "calumnies, blasphemies and sacrilegious words against the Holy See." It should be included among the conciliar acts and would not be an embarrassment to the legates since it was merely a "clarification ('declaración') of their intention, not a revocation or a retractation."²⁴

Philip was gambling on the interest shown by his uncle for freedom to introduce the Imperial reform libellum. And at first, Philip received a favorable reply. On 30 December 1562, the Emperor manifested full agreement with his nephew, for without the right of free proposal, the plans of reform would have "very little [chance] or no results could be expected. . . ."²⁵

Discussion on the reform articles had now become so heated that there was danger of dissolving the Council. Questions on the divine or human basis of episcopal residence, the intromission of the Gallican theory of conciliar superiority to the Pope, the Imperial demand for the chalice for the laity and clerical marriage were debated with acrimony and the plenary session was postponed several times. To top it all, Gonzaga died on 2 March 1563, followed by the death of Seripando two weeks later.

²⁴ Ibid., pp. 562-75.

²⁵ CODDIN, II, pp. 576-78.

Cardinal Morone was named to succeed Gonzaga and he decided to proceed to Innsbruck, the Imperial residence, while the Council was going on, before assuming legatine duties at Trent. He was well liked by the Emperor and he succeeded in mitigating Ferdinand's demands, while obtaining important concessions in return.

The situation in mid-April 1563 was something like this. Ferdinand was convinced by Morone to leave the controverted clause in the decree, and the Cardinal approved a "limited" right of proposal at the Council. Lay procurators would have the right to introduce subjects for deliberation only when the legates themselves failed to do so.

But the successful result of Morone's mission was not yet known in Rome. There a special envoy of Philip, Luis de Avila, Grand Commander of Alcantara, was negotiating with the Pope. Forced in a sense to ingratiate the only ally that Pius IV could turn to, the Pontiff capitulated to the demands of Spain. On 8 May 1563, a brief was signed enjoining the legates at Trent to make a public declaration about proponentibus legatis:

. . . these princes insist so much on the freedom of the council and they believe that those words "proponentibus legatis," included without Our knowledge, remove this freedom. Be pleased to announce before the fathers in congregation or in plenary session that it has never been Our intention to remove with this clause the freedom of the council, but rather to avoid confusion. Hence, make a public declaration that the council is free. If the synod approves, add an amendment and lift the said words completely from the decree. . . . But rest assured that what the fathers will do regarding this issue We approve. . . .²⁶

This complete surrender to Spain pleased Philip II. He ordered Luna, his agent at the Council, to handle the situation "with all dexterity and in secret, and see if it will be good to put it [the brief of Pius IV of May 8]

²⁶CT, IX, p. 956.

into execution immediately or to consult Us further. . . ."27

The legates were astounded. They protested to the Emperor, hoping Ferdinand would restrain his nephew, or, at least, postpone the matter until the next plenary session. Morone especially objected violently. He wrote to Cardinal Borromeo on 17 June 1563 that a request

. . . more dangerous than this has never been made by a king, that a decree passed in a general congregation and subsequently ratified in the session by one hundred and ten fathers, of whom only two who had at first given their consent were opposed, should be revoked. . . ."28

Philip would be pleased, continued Morone, if an amendment was passed to explain that the phrase did not curtail freedom. But what freedom? From the words of Luna himself, the presiding legate deduced, it was just the "right of the ambassadors and prelates to introduce at the congregation whatever it pleases them."29

These protests served the purpose. Luna wrote to Philip that he had been forced to accept a solution offered by the legates. The Council was occupied with more serious matter and if Philip was willing to set aside for the moment the brief of Pius IV, the legates promised in writing that the Council would not be closed without making a declaration of the disputed phrase.³⁰ On August 12, the Emperor communicated with Philip. Ferdinand first explained that it had been traditional for emperors and kings to propose before the councils measures that were for the welfare of the Christian states. This had never been denied and the legates, through Morone, had assured the Emperor of

²⁷CODOIN, IX, p. 342 ff.

²⁸Susta, IV, pp. 71-72.

²⁹Ibid.

³⁰CODOIN, IX, pp. 469-70.

his right. The legates also recognized that emperors and kings could rightly complain if things ad beneficium populi were not taken up in the councils. In conclusion, he wrote, "I have agreed, as far as it concerns me only, that those words . . . stay in the first decree. . . . Nonetheless, I did not wish by my consent to prejudice your Highness or the other kings and princes, with whose views and counsel I do not wish to disagree on this point. . . ." ³¹

Philip thus found himself alone in his attempts to amend the opening decree that legalized the sessions already going on. Asked by the papal nuncio in Spain why, despite the constant good will manifested towards him, he continued importuning the Pope, the king answered that he was in a sense forced to accede to the wishes of his ministers. And the Duke of Alva, reminded of the unpleasant situation that had developed in Trent because the freedom to make proposals had opened the gates for the Imperial reform articles, confessed that their ceaseless agitation from Spain was due to a fear lest another Paul IV appear and treat the Spanish king and his successors just as the Carafa pope had done recently. Some assurance was sought that the future councils, Alva added, if they were to be truly representative of the universal Church, would be free and not manipulated by one or two. ³²

The reference was unmistakable. The Spanish court had never been reconciled to the choice of conciliar legates made by the Pope. Vargas and, before him, Cardinal Pacheco, had tried in vain to prevent the appointment of Gonzaga and Seripando. Views espoused by these men regarding the doctrine of justification appeared dangerously close to the Lutheran position. Spanish intransi-

³¹ Ibid., pp. 357-58.

³² Susta, IV, pp. 539-40.

gence, plus other less lofty motives, could not tolerate this. They feared the worst from the Council, with men like Gonzaga and Seripando holding the key position. But even after the latter had died and Spanish forebodings proved to be unfounded, the followers of Philip remained unreconciled.

v

By the fall of 1563, the question was still an unsolved issue. The legates had given the written promise that some time before the end of the Council, a declaration would be made regarding the phrase. This had given rise to a rumor around the Spanish court that the Pope was going to listen to the royal demands and that the legates would be properly instructed by Rome. However, the Pope would still leave the issue open for voting, "for, if not, it would be destroying the freedom of the council, which the king does not want."³³

Luna meanwhile had received further instructions from Philip. Even without these dispatches, the Count would have probably acted on his own and pressured the legates at Trent to make the declaration as soon as possible. He feared lest the delay would eventually end in the side-stepping of the issue. The Italians were urging the prompt ending of the Council, and Luna rightly calculated that this might provide a pretext for avoiding completely the question of the inaugural decree or its proper formulation. Other measures which were of greater weight would receive prior consideration. But, for all his activity, he could not bring the legates to a decisive action on the clause proponentibus legatis. The latter always fell back on their basic stand that the Holy Father had left the question open for voting and the legates could not

³³Ibid., p. 563.

34 speak or act for the entire Council.

Rome, however, saw the thing a little differently. Vargas had already left in retirement, but the letters from the nuncio in Spain repeated the standing demand of Philip. The king had finally seen that the dispute could be turned to his advantage. He had instructed Luna to follow closely the decisions at Trent concerning proponentibus. For, if the prelates were allowed to introduce matter to the Council, someone could "come up to propose and deal with what concerns our rights and our dignity. . . ."35

Pope Pius IV thus saw no other solution but to satisfy the Spanish king. On 15 October 1563, he sent a second brief on the matter to the Council. He wanted it to be known without any doubt that the clause did not suppress the freedom of the Council:

. . . by these present, We declare and define . . . that the freedom of the council is not suppressed, or that some right of some person has been enlarged or suspended, but each one retains the same privileges and the same freedom in everything . . . as he enjoyed before the [opening] decree. . . .36

There was still some hesitation on the part of the legates, but by 11 November 1563, an article was included among the reform canons approved by the twenty-fourth plenary session of the Council:

The Holy Synod, wishing that no occasion for doubt may ever arise from the decrees promulgated by it . . . declares by way of explanation that it has not been its intention, through the aforementioned words, that the customary procedure of discussing the questions in the general councils should be in any detail altered, or that anything new, beyond what in the sacred canons or in the formula of the general synods has heretofore been decided, be added or subtracted. . . .37

34 Ibid., pp. 285-88.

35 CODOIN, IX, pp. 342-43.

36 CT, IX, p. 956, note 8.

37 Ibid., p. 988.

After two years, the dispute reached its weary end: the decree remained unchanged, Spanish demands for a declaration were satisfied, an amendment was added, not only by the Pope's order, but by vote of the entire Council. Everyone could claim victory for himself, and traditional conciliar protocol was preserved.

CHAPTER IV

RESIDENCE AND CONTINUITY

One reason why Philip II had agreed to the resumption of the Council of Trent was his desire to help effect a universal moral reform. Much as he wanted dogmatic positions clarified, he believed it was particularly urgent that a general council should establish disciplinary norms. Basic to reform was the correction of the abuse of non-residence of the bishops and other prelates charged with the care of souls. But there was much serious dissension among the prelates in the Council before a decree on episcopal residence was enacted. The present chapter concerns that controversy. This is not a theological appraisal. The purpose is to find what interests, other than those of religious orthodoxy, were involved in the disputes before the enactment of the decree. A second interrelated issue, that of the continuity of the Council, or the relation between the third period of the Council of Trent with the two preceding periods, also occasioned some discussion. This, too, will be briefly treated here. Other questions, as, for example, the dispute on diplomatic precedence, were relatively unimportant and ephemeral; hence, they do not deserve fuller treatment here.

i

After several attempts to draw up a satisfactory reform schema, a first draft of twelve articles was presented by the papal legates to the fathers on 11 March 1562. The first article dealt with the question of episcopal resi-

dence, and it proved to be a fertile topic for debate. It read:

Let the fathers consider what plan may be adopted in order that the patriarchs, archbishops, bishops, and the others who have the care of souls may reside in their churches, and not be absent from them unless it be for reasons that are just, honest, necessary, and useful to the Catholic Church.¹

Even before the general congregations began, the Council fathers had already divided into two groups on this subject. One group, convinced that no real reform would be possible until the prelates resided in their sees, saw that it was necessary to declare the duty of residence as a divine command. The other group held that residence was merely a human or ecclesiastical law. A divine imperative of residence, they argued, would affect the interests of the Holy See and jeopardize the authority of the Supreme Pontiff. The position of the Spanish bishops was clear. There were about seventeen prelates from Spain at this time in Trent, and all, except the Dominican bishop of Nio, Pedro Xaque, were in favor of the divine law.

On April 7, discussions on the first article of the schema were opened. Archbishop Guerrero of Granada was one of the day's speakers. He demanded a definition of the law obliging the bishop to reside. He claimed that definition would guarantee its fulfillment and put an end to absenteeism.

Guerrero voiced the majority opinion in the Council. That he had acted under Philip's explicit orders is hardly likely. On 4 May 1562, Vargas, the Spanish ambassador in Rome, wrote to his king that many believed that residence was by divine command and that there was no other way to stop clerical abuses than to have it solemnized by a formal conciliar decree. Among the many who supported Guerrero, Vargas commented, were "all the Cardinals and those of other

¹Theiner, I, p. 694.

nations, and of the Italian [nation], those who are more influential and of greater virtue. . . ." This conscious enumeration was not without significance to Vargas.² Strongly opposed was Cardinal Simonetta. He had his group of followers, but Vargas reported that it was public knowledge in Rome how the Cardinal had gone about in Trent soliciting and negotiating with the fathers for their negative vote. Some of those who sided with Simonetta were the Curial officials of Rome attending the Council, and, of the bishops, the more prominent were the bishops of Capo d'Istria and of La Cava.³

In his own private report to the king of Spain dated 18 April 1562, Arias Gonzalez Gallego, the bishop of Gerona, wrote that the Spaniards had voted for a declaration because "residence . . . is de iure divino, which seems to be what the legates ask in this proposition." A declaration was needed in order to "remove the [cause of the] complaints of the heretics and Catholics against dispensations, which form the one principal impediment to residence. . . ."⁴

An Italian prelate, the future Pope Gregory XV, then bishop of Cremona, summarized the Spanish position:

These Spanish lords have conducted themselves with moderation and better than some of Ours [Italians]. For, although some of them have declared that the bishops ought to be allowed to grant beneficed curacies freely, as the ones who know the deserving and the unworthy better than others, and . . . that so many pensions ought not to be bestowed on the bishops,

²CODOIN, IX, pp. 152-53.

³Ibid., p. 154. CT, VIII, pp. 429, 431-32.

⁴CODOIN, IX, p. 122.

still, not⁵ one of them has used vulgar language ("a sbrocato"), except one. . . .

What was Philip's attitude? At this early date, there is no indication. Trent was some distance away and communications with the court of Spain took time. What the king knew about the initial discussion on episcopal residence was what he had gathered from the dispatches of Vargas and the prelates in Trent. In view of his final stand on the question, an indirect reference from a letter of Fernando Francisco de Avalos, Marquis of Pescara, Spanish agent pro tempore at the Council, assumes importance. The agent was reporting on 18 April 1562 to the king that he had obeyed the royal orders to urge the Spanish prelates to unity, but "without any kind of meetings, or . . . pacts, but only on occasion of visits and other things that have come up, occasionally and [only] on certain days. . . ." ⁶

The king had received reports of the initial activities of his bishops in connection with the opening decree and the complementary character of the present conciliar gathering. Because the Spanish bishops had been especially zealous for reform, they were falsely blamed for certain reform pamphlets that had circulated around Trent. Complaints had reached the king which gave him some concern. He had sent the bishops to Trent in order to effect the good of Christianity, not independently, but in union with the Pope and the Council. What he had advised the Marquis of Pescara to do was not particularly relevant

⁵Quoted in F. Garcia Guerrero, El Decreto sobre Residencia de los Obispos en la Tercera Asamblea del Concilio Tridentino: Especial Intervencion de los Prelados Espanoles (Cadiz, 1943), p. 64, from L. Castano, Mons. Nicol6 Sfrondati, vescovo di Cremona al Concilio di Trento (Turin, 1936), p. 215. This is evidently a misspelling of the word "sbocato."

⁶CODOIN, IX, p. 126.

to the question of the bishops' residence, but it illumines Philip's idea of his own role towards the Council. He not only had sent his prelates to Trent, but, in keeping with his self-imposed task of supervising their conduct, he felt obliged to make sure that the men he had personally chosen to represent the Crown at the Council worked for God and the Church. Their apparent intractability, or the mere fact that their way of acting had given rise to complaints called for his intervention. The Council was a cooperative effort and his bishops ought to be the last to seek a break with the legates or the Pope. No obstacle must be allowed to hinder the progress of the Council and every means must be taken to help it carry out its task.⁷

11

By April 20, a month after the first presentation of the reform schema, no agreement had been reached regarding the first article. The question still remained whether the Council should declare the law on episcopal residence or not. The Pope had recommended omitting all discussions about the law and drafting a merely disciplinary decree: "We believe that it would be good . . . to impose residence, which is quite necessary, with heavy penalties, which the men of our time fear more than any other thing."⁸ This communication was delayed on its way to Trent, and the Spanish bishops concluded that under pretext of lengthy consultations, the whole issue was being dropped. They, therefore, clamored to include in the decree announcing the plenary session of May 21 a clause that the article on residence would be promulgated during that session.

⁷ Cabrera de Cordoba, I, pp. 510-15.

⁸ Susta, II, pp. 78-82, 100-01, 134. CT, II, p. 483.

If not, they suggested opening theological discussions immediately after the session. To win their point, they enrolled the support of the Imperialists, in return for the suppression of the clause of continuation. Besides, a three-man committee, composed of the archbishops of Granada, Braga and Messina, went up to the legates on May 9 to represent the Spanish view.⁹

Still ignorant of the decision of Rome, the legates replied that they would look into the matter. The next day, Pescara was back in Trent. He had already been there before, but he had retired to his governor's seat in Milan immediately, in order to avoid the dispute on precedence. For the second time, Philip had ordered him to the Council, with explicit instructions regarding the continuation of Trent. Regarding episcopal residence, what would his attitude be?

Anticipating the moves of the Spanish bishops, the papal legates sought to dissuade the Marquis from intervening in the debates on residence. It was a dogmatic issue, they told him; it was beyond his competence and he should follow the dictates of his conscience on the matter. Furthermore, Simonetta assured the Milanese governor that the doctrine of divine origin imposed limitations not only on the papal power, but also on the royal power of the king of Spain. If the divine law was defined, Philip II would no longer be able to avail himself of the services of his bishops. It was well known that the higher clergy of Spain were influential members of the Spanish Council of State, and the royal confessor was also a political adviser.

⁹ J. Le Plat, Monumentorum ad historiam Concilii Tridentini potissimum illustrandam spectantium amplissima collectio (Louvain, 1781-87), IV, pp. 755-72. CT, XIII, pp. 539-50.

Simonetta apparently succeeded. The Cardinal reported to Borromeo that he had no difficulty convincing the Marquis because the bishop of Segovia, who made no bones about preferring residence at the king's palace to his own diocese, had also made a similar statement to Philip's agent.¹⁰ The latter, therefore, willingly avoided the issue on residence and communicated his decision to Philip II on 14 May 1562:

. . . there is almost no prelate from your kingdoms, or from the other regions, who does not say that residence is de iure divino; but the point in the discussions is . . . whether it is good to define it now or not . . . if it is de iure divino, it is [to be] observed as a commandment of God, before which every other consideration must yield; the negative [party] argues that it minimizes the authority of the pope, that it would affect the past councils, that from this would follow other results of great moment . . . as [the revocation] of some concessions granted [by the popes]. Hence, even if many prelates, and among them, most of the Spaniards, had petitioned . . . that I request the said declaration, I leave the affair aside. . . .¹¹

Pescara explained that he believed the whole question properly concerned the fathers and was really a religious issue. The king had enjoined on him to leave the prelates to act according to their conscience in such cases. And so, the report continued, "I neither understand nor see . . . how it pertains to the service of your Majesty [and] without further orders from you, it has not seemed good to me to change [the decision] I had made. . . ."¹²

So far, then, Philip was not directly involved. He had followed closely the conciliar proceedings, and he had watched the conduct of his prelates at the Council. He especially wanted them to serve as examples of loyalty to the Holy See.

¹⁰ Susta, II, pp. 121-22, 127. CT, III, part I, pp. 329-35.

¹¹ CODOIN, IX, pp. 177-78.

¹² Ibid.

Pescara, in the meantime, had to go back to Milan where his presence as governor was needed. He left Hercules Pagnano as his charge d'affairs in Trent. On May 18, Pagnano wrote to the governor that the Emperor had ordered his ambassadors to support the Spanish demand for declaration of the divine law. This would induce the Protestants to come to Trent because this and "similar questions were beginning to be discussed . . ." and this fitted the Protestants' plan. But Pescara's agent suspected a trick that "all of this . . . was in order to put up some strong objection to continuation."¹³

A week later, on May 25, Vargas wrote to Philip that the issue had been set aside in Rome. The Curia did not want to be held to former pacts with the Spanish Crown regarding the cathedral chapters in Spain. The latter had many advocates in Rome working against their own prelates and trying to undo what had been done. They even, continued Vargas, "dared to say that the chapters are the only ones who support the authority of the Apostolic See in Spain, and this cannot be heard [spoken] or tolerated, for to them there is no Apostolic See but [their] interest, intrigues and litigations, and travelling hence and returning hither. . . ."¹⁴

Vargas was speaking of the chronic war between the bishops and the cathedral chapters in Spain. The first and second periods of Trent had legislated against the latter and removed many of their immunities. But the chapters had regained their privileges under Popes Julius III and Paul IV. If the Council decreed the divine law, the chapters stood to lose their exemptions. Vargas, of course, knew his king too well and he stressed an additional point

¹³Ibid., p. 187.

¹⁴Ibid., p. 207.

which would force a reaction from Philip: the chapters claimed to be the only loyal followers of the Holy See.

Philip received additional, but contrary, information from the archbishop of Granada who had written to the king on June 10. As he saw it, opposition to the divine law came from "the lovers of lawsuits and . . . the money from them in Rome," as well as those who wished to be "loaded with beneficed curacies without residing in them, and have more than one church, [again] without residing, calming their conscience with dispensations ('pretendiendo estar seguros con dispensaciones'). . . ."15 The king was asked to mediate with the Pope and provide for the "good government" of his kingdoms which Granada promised would follow from the divine law on episcopal residence.

This imputation could be turned around, however. Vargas sent a note to Francisco de Avalos in Milan on June 21 to "serve his lordship . . . as a guide." He warned the Marquis that the issue could be particularly harmful to Philip, "as it would be to the pragmatica, the patronage, the spoils ('tercias'), and the other things which the church and prelates use. . . ."16 Whether this was also the king's opinion is doubtful at this time, but Vargas, who was more conversant with developments in Rome, had taken it upon himself to speak for Philip.

On July 6, probably because of these dispatches, the king wrote a letter to the Spaniards at Trent. He made it clear that he was displeased with their conduct on account of the article on residence!

¹⁵Ibid., pp. 264-65.

¹⁶Ibid., pp. 271-72.

The other point is what pertains to the residence of the prelates. . . . It does not seem convenient for the moment to present more demonstrations and demands than have been done. . . . It is not good that protests be made, especially on this point in which there is no such need that . . . there be discussions on residence, and one can proceed . . . by withdrawing the demand ("aflojando de la insistencia"). . . . In no way will we be served if protests or similar demonstrations are made. We have written to His Holiness, making the necessary representations that are demanded by this article.¹⁷

The bishops' reaction to Philip's letter was varied. Some rejoiced at the intervention; others disregarded the royal order. The archbishop of Granada immediately said that in obedience to the king, he would withdraw his protests, but his conscience bade him to continue to seek a conciliar definition of the law on residence. Not knowing the source of Philip's decision, the archbishop blamed certain influences around the throne, singling out the archbishop of Seville and grand Inquisitor of Spain, Fernando Valdes, and the bishop of Cuenca, Bernardo de Fresneda, who was also the royal confessor. Actually, it was the Marquis of Pescara who was "the principal instrument" for all that he had written to the king had been prescribed as the bishops' norm of acting.¹⁸ Granada, however, was not completely wrong. He was the object of hatred by the men around the king, and his insistence on the divine law of residence found little support at the Spanish court.¹⁹

On August 4, Granada and his sympathizers came together to compose an answer for Philip. They sought to impress on the king that the declaration of the law was the will of practically all the prelates in the Council. Hence, the letter continued:

¹⁷Quoted in Garcia Guerrero, El decreto sobre residencia, p. 112 and note 66.

¹⁸Susta, II, pp. 263-64.

¹⁹Susta, III, p. 441.

. . . we implore your Majesty to deign to favor [the declaration of residence] . . . and to confer with His Holiness so that by all [possible] means it be declared here, for otherwise the scandal would not be cured . . . and besides it is in the hands only of your Majesty to obtain from His Holiness that this be discussed.²⁰

Unknown to the Spanish prelates, however, another special envoy of Pius IV had arrived at Madrid. Monsignor Paolo Odescalchi, the envoy, had reached Spain on July 9, and had seen Philip two days later. Odescalchi's mission had been occasioned by the politico-religious unrest in France and the Pope was seeking to enlist support for any eventuality. Part of the legate's instructions was concerned with the financial privileges accorded to Spain by the Pope. Odescalchi was enjoined to seek Philip's consent to the termination of the Cruzada and the building fund of Saint Peter's basilica in Rome. He was also to assure the Spanish monarch that the Pope was going to initiate reforms, no matter how painfully they might affect the papal court. And Philip was told of the "lack of restraint" of the Spanish prelates in Trent. Whether this was intended as a threat to force the king's hand is hard to say. But, considering the perpetual penury of the Spanish treasury, the idea of losing the financial aid of Rome could not be taken lightly by Philip.²¹

On August 20, the bishop of Tortosa addressed a long apology to Philip's secretary, Gonzalo Perez. He explained why he had voted against a declaration of the law on residence, alleging that "the legates themselves were divided, one part of them saying that they had never introduced this article to the

²⁰ Susta, II, pp. 300-301.

²¹ This is clear in the letters between Philip and his ministers in the Low Countries. There is a constant mention of the lack of money either to pay the salary of the soldiers or to recruit new ones. See also F. Badoero's "Relazione" in E. Albleri, Relazioni degli Ambasciatori Veneti al Senato (Firenze, 1839-63), serie I, Vol. III, p. 264, where Badoero describes the poor taxation system in Spain.

Council, the other, that it was good to approve it." Why he addressed his letter to the secretary and not to Philip himself is clear from the rest of the communication. He wanted to wean Philip away from the affirmative party, without, however, directly suggesting what the king ought to do. If, the bishop wrote, residence was a human institution, "there would be much more freedom [granted] from residing, the dispensation would be extremely numerous, and consequently, the abuses would be worse. . . ." ²² But, on the other hand, if divine law was defined, the bishops would be virtual popes in their respective dioceses. How successful the tactic was of appearing to be undecided is hard to gauge, but Tortosa's letter provided suggestions that were not wasted. Besides, in the meantime, as if in confirmation, a letter dated 24 October 1562 came from Pagnano, Pescara's chargé d'affairs in Trent. It was also addressed to the royal secretary, whose attention was called to the conduct of the Spanish prelates in the Council, bishops who "are on fire for things certainly most prejudicial to the Majesty of our king, and perhaps of God, only of this latter I am not sure since I am not a theologian . . . [bishops, who] have laid claims in order to extend their authority. . . ." ²³

There is a scarcity of documents for this period following Odescalchi's interview with King Philip. Beyond the few here indicated, there is little extant communication between Trent and Madrid. This situation was due to the uncertain conditions created by the religious war then beginning in France, and it can be assumed that some correspondence went astray.

The result of Odescalchi's mission was communicated by him to Cardinal

²² CODDIN, IX, pp. 276-86.

²³ Ibid., p. 316.

Borromeo in mid-October, but the earliest dispatch sent by Odescalchi to the legates in Trent was dated 30 November 1562. The king of Spain, he wrote, promised to send an envoy to the Council, possibly the Count of Luna, besides writing a letter to the Spanish bishops at the Council, ordering them "for the service of God and of the Catholic religion and to preserve the authority and dignity of the Pope and the Holy See, to continue in union with the legates, and not run after strange and new things."²⁴ The Spanish bishops should forego their demand for a declaration on the residence issue because they were obstructing the work of the Council, if not actually threatening its dissolution.

The air had thus been cleared. By late fall of 1562, the legates received confirmation of the Spanish king's decision, already made known to them in July. They could proceed with the disciplinary decree on episcopal residence, without entering into dogmatic discussions on its origin. The Spanish bishops continued their opposition, but this was due to more dogmatic reasons. As far as Philip II was concerned, the problem had been solved. He wanted to conform as much as possible to the wishes of the Holy Father in support of the general reform intended by the Council; this caused him to sidestep, along with the Pope, the difficult aspects of the episcopal residence question. A year later, Bishop Crivello, ordinary papal nuncio in Spain, wrote to Borromeo that Philip "had understood the views of His Holiness and . . . had concurred with the same and had accordingly written to his prelates . . . still His Majesty does not wish to deprive them of their freedom to express their opinion."²⁵

²⁴Ricardo de Hinojosa, Los Despachos de la Diplomacia Pontificia en Espana (Madrid, 1896), p. 151.

²⁵Susta, IV, p. 488.

Thus, for Philip II, the issue on the divine origin of the duty to reside in the dioceses was connected with a number of other important factors that had to be taken into account. It was both the more pragmatic motive of continuing the financial support from Rome and the less tangible but very real desire to prove to the whole Christian world that the king of Spain was the defender of the Catholic Faith that decided Philip's answer. He had helped inaugurate the Council; he would help see it through. He had been the sole support of the Supreme Pontiff; he would continue his unstinting help for the good of the Church. This, at least, is the general sentiment that the reader derives from the perusal of the letters on the subject.

iii

The question of the continuation of the Council of Trent has been mentioned a few times in the present and the previous chapters. As an issue between the court of Spain and Rome, it had first come up in the fall of 1560 in connection with the incident regarding the validity of the decree of justification which had been passed by the Council of Trent under Pope Paul III. It had come up, however, explicitly as the point of disagreement in December, 1560, when Francisco Vargas, the Spanish ambassador in Rome, had refused in the name of Philip II, to accept the bull convoking the Council. The Spanish agent wanted a clearer indication that the coming sessions were a continuation of Trent, not an entirely new council. This was settled by a secret brief which the Pope had dispatched to Spain in the following summer (1561), assuring Philip that the convocation of the council was a resumption and continuation of the former sessions, although no formal public pronouncement was made. Just before the solemn reopening on 18 January 1562, continuation was again the

subject of controversy. The Spanish prelates had wanted to include in the opening decree a clause that explicitly declared the continuity of the Council of Trent. This demand had also caused grave concern, but a compromise had been reached. The legates assured the Spaniards that no words would be used in the decree that could give the impression that the present gathering was not a continuation. They also promised the prelates of Philip that continuation would be declared in a formal statement when the proper time came.²⁶

The reasons for the Spanish insistence on expressly citing continuation have already been touched upon. The decree on justification enacted in the early convocation of Trent had served as a norm of ecclesiastical discipline in Philip's kingdoms. It would be an affront to the Spanish monarch, as well as to the memory of Charles V, through whose patronage the Council had first opened, if the past sessions and decrees were invalidated. The bishops of Spain had also favored continuity, not only because it was the will of the king who had raised them to their episcopal dignities, but also because early Tridentine legislation allowed them considerable increases in their diocesan authority, which they did not want to see jeopardized.

Once the sessions had been resumed, however, the question reappeared and the Spaniards insisted that the promise of an explicit continuation clause be redeemed. As in the dispute on proponentibus legatis, it was Vargas who revived the controversy.

There is no need to rehearse the whole incident in all its details. First of all, there were no new arguments adduced by Vargas besides those that had already been mentioned in the initial phases of the dispute. Second, it

²⁶ See Sections ii and iii of the second chapter and the references cited in Section i of the third chapter.

was not originally Philip II himself who had insisted on a special clause of continuation. As he saw it, he had the personal assurance of Pope Pius IV that the present convocation was part of the earlier sessions of the Council of Trent; nevertheless, Vargas had prevailed upon the king to press for the formality of a declaration. It was probably Vargas, too, who had encouraged the intransigent archbishop of Granada, Pedro Guerrero, to urge explicit continuation. On 31 January 1562, the ambassador wrote to Guerrero in connection with the opening decree:

. . . it does not suffice to say that [continuation] will actually follow, because even if it is certain . . . it [implicit continuation] does not satisfy the honor of God and the authority of the council . . . and, in the end, the prosecution [of the council] will appear fortuitous, since the pope and his legates so desired it, and not because of the formal institution at the opening. . . .²⁷

There is no clear indication when the quarrel ended. Cardinal Seripando had an entry in his diary for 2 June 1562 that mentioned the danger of the dissolution of the Council, if, despite the threats from the French and the Imperialists, Philip's petition for the clause of continuation, presented by the Marquis of Pescara in mid-May of that year, was granted. On June 2, a letter from Pius IV had just reached Trent, which ordered the legates to yield to the Spanish demands and issue the desired statement. Several hours later, however, a second letter arrived in which the Pope reversed his first instructions and allowed the legates a free hand to use their own judgment. The legates refrained from issuing the statement under discussion.²⁸

Convinced of the risks involved, Pescara advised the king to drop the continuity question. Philip subsequently, through the same Pescara, informed

²⁷ Bedtrage, I, p. 386.

²⁸ CT, II, p. 467.

the Spaniards at Trent that he was displeased with their opposition to the Pope. He wanted no protests on the residence question; he relaxed his insistence on the continuity issue. He would be satisfied if no opposite declaration was forthcoming. His motive was clear: he simply wanted to be sure that the Council would not be disrupted and dissolved in the midst of too much bickering.²⁹

This was the final formal request on the matter by Philip, more exactly, by the Spanish ministers under the aegis of Philip's name. The request would still be made informally a few times more until the final session of the Council, but the case was settled. The legates always answered that there was no need to make a formal declaration, since the present sessions were actually continuing the unfinished work of the earlier sessions of Trent.³⁰

iv

Thus, in these two inter-related issues of the episcopal residence and the continuity of the Council, Philip II stands out as a consistent figure. He wanted to see some reforms initiated by the Council and he was willing to do all that he was capable of in order to achieve these ends. His own interests were not threatened either way, and he refused to provoke difficulty over issues that were intrinsically foreign to his own concerns.

²⁹Susta, II, pp. 261-63. CT, II, pp. 646-47.

³⁰For example, during one of their interviews in connection with the closing of the Council of Trent, Morone had to tell Luna that there was no real need for a formal declaration of continuation, since the sessions were actually a continuing of the earlier sessions of the same Council. See CODOIN, IX, p. 346.

CHAPTER V

THE END OF THE COUNCIL

The Council of Trent had often been threatened by various crises and the Pope had several times thought of closing the sessions. But Philip II's support helped Pope Pius IV weather the storms and continue the conciliar assembly. When, however, the Pontiff finally decided to close the Council, he was faced with an initial refusal from Philip. The resultant diplomatic exchange helps to clarify the Spanish monarch's attitude toward the Council and the Church, and exposes his thinking on the subject of Church and State relationships.

1

The first time probably that Philip II learned of the Pope's intention to close the Council of Trent was through Monsignor Paolo Odescalchi, who had been sent as a special papal envoy to Spain in the summer of 1562. Already, barely six months after the opening of the Council, the Pope was trying to arrange a suitable termination date. Through his envoy, Pius IV told the king that things had gone so far that one was forced "to aid others with arms and, at the same time, look to our defense." Hence, "We shall endeavor to terminate the Council promptly, after establishing the dogmas and all the needed reforms. . . ."¹ As Cardinal Borromeo had pointed out to the legates at Trent,

¹Hinojosa, Los Despachos, p. 148. The reference is to the incipient religious war in France.

the consent of the princes, especially of Philip II, was desirable for the closing of the Council.²

A week before the twenty-third plenary session on 15 July 1563, the Imperial ambassadors at Trent received a letter from Philip. Dated 9 June 1563, it contained the king's answers to several questions relating to the Council. On the termination of the Tridentine sessions, the Spanish monarch wrote that since the conversion of the "Protestants and the erring [brethren]" was the principal reason for convoking the Council, he had represented to the Pope that a new effort should be made to have them come to the Council. Meantime, while these were being awaited, "the council should proceed slowly . . . at least in what pertains to the dogmas, postponing the sessions and slowly advancing in [the discussion of] the matter. . . ." Philip himself did not want to prolong the Council unnecessarily, however.³

When they received a copy of Philip's dispatch, the legates at Trent were troubled. If the Spanish king prevailed, they would be nailed "to our post [where] we will always find intrigues and contradictions . . . and perchance each of the difficulties that had been raised till now would be brought up anew." But the successful conclusion of the twenty-third plenary session confirmed the Pope and the legates in their intention to finish the remaining tasks of the Council and conclude the sessions as quickly as possible.⁴ In fact, they had departed from the traditional conciliar procedure and adopted a more expeditious system of enacting the remaining decrees.

²Susta, IV, p. 19.

³Susta, III, p. 112.

⁴Ibid.

Not too many days after the session, the Count of Luna, Philip's agent at the Council, approached Morone and sought to persuade the presiding legate to do as Philip had suggested. The occasion was right, claimed the Count, for the Emperor was at the moment with the Protestants, attending the coronation of his son Maximilian. Luna mentioned that the legates ought to write to Ferdinand and "ask his [Imperial] Majesty to deign to use his authority on this occasion [of the coronation] so that [the Protestants] might come. . . ." ⁵

This was not exactly how Borromeo had understood Philip's attitude. A dispatch from Monsignor Odescalchi had told the papal secretary of state that "his Catholic Majesty is moved to seek a prolongation [of the Council] not by his own desire, but on the urgings which the Emperor and the king of France had made at another time, not knowing perhaps that [these two sovereigns] have afterwards changed their minds and now seek to expedite [the Council]." Borromeo then instructed the legates at Trent to write to the ordinary papal nuncio in Spain in order to disabuse the king, just as he himself would do. ⁶

Back in Trent, the suggestion from Spain did not impress Cardinal Morone. Work was progressing on the reform decrees so that, if the Spaniards raised no difficulty, the Council could be concluded very soon. But, in Morone's report for 19 July 1563, the Spanish prelates were described as seeking nothing else but to extend the sessions. The presiding legate suspected it was because Philip had ordered them to do so "in order perhaps to obtain some favors at the hand of our lord, and I doubt that he will seek to persuade the Emperor to do the like. . . ." However, Morone promised he would persuade the Germans, the

⁵Susta, IV, p. 129.

⁶Ibid., pp. 138-39.

French and the Italians to agree to the immediate conclusion "even if the Spaniards were of another opinion."⁷

A few days later, Morone described in detail the objections of Luna, who wanted to devote at least a full month to discuss each individual article. There is no indication that this was also Philip's desire; on the contrary, a later report to the king of Spain makes one conclude that Luna had acted on his own. The Cardinal legate, however, believed that the whole Council wanted to close the Council immediately. He thus wrote to Borromeo that he was letting Luna talk as much as he wanted, but the work would continue.⁸

In reply to reports from Trent, Cardinal Borromeo wrote on 28 July 1563 that Rome believed the work in Trent had already been accomplished and expected the Council to close very soon. This was the reason why the Pope evinced surprise at the Count of Luna. Pius IV was under the impression that Philip would be agreeable to the conclusion of Trent after doctrinal and reform decrees had been promulgated. There must then be another explanation for Luna's activities.⁹

This was the occasion for the letter of the Grand Commander of Alcantara, the second Spanish agent in Rome, to Philip II on 3 August 1563. Pius IV had asked the Commander to inform the Spanish king that the Pope found it hard to believe it was the royal will that Luna should seek to postpone the end of the Council. Philip was well known to be "of the opinion that the Council should neither be rushed, nor prolonged, for its prolongation could be the definite

⁷ Ibid., pp. 129, 132-33.

⁸ Ibid., pp. 135-36.

⁹ Ibid., p. 153. Beitrage, p. 531.

destruction of everything." Things had been going on quietly in Rome, continued Alcantara, until the news about Luna. The Pope hoped something would be done about it.¹⁰

What was the Count of Luna doing? In the words of the legates, he went beyond his duties and wanted "to direct and preside over the fathers" as if he were a legate of the Roman Pontiff."¹¹ When the reform articles had been submitted for examination to the ambassadors, Luna had won them over to demand that deputations be made according to nations so as to provide for the particular reform measures required in each country. In his own report, however, to the king of Spain, Luna said that he had disapproved the manner in which the legates "forced" decisions on the rest of the Council in order to avoid "many inconveniences, for the matter was especially difficult and things could follow . . . that would not be good. . . ."¹² Luna, furthermore, assured Morone that he sought to delay the end of the Council because this was his orders from Spain. Philip II wanted to slow down the concluding sessions, not because of any particular royal interests, but out of the king's concern for the universal good of Christendom and the service of God. The king realized that the Council had to come to its end some time, but he wanted to make sure "that it was not hastily done ('non si precipitasse')."¹³ Morone was skeptical

¹⁰ Beiträge, I, pp. 533-34.

¹¹ O. Raynaldus, Annales ecclesiastici ab anno MCXCVIII ubi desinivit Cardinalis Baronius (Lucca, 1756), XV: anno 1563, p. CLVI.

¹² CODOIN, CI, p. 36 ff. Luna related to Philip that Cardinal Guise of Lorraine had confided to him that the French prelate did not express his own disagreement on the procedure adopted because the legates were so much set on terminating the Council. See p. 35 for Luna's letter to Philip, 22 November 1563.

¹³ Susta, IV, p. 166.

and his early suspicions of the interested designs of Philip were again aroused. But the legates' dispatch for 23 August 1563 still reported that "what the said Count is doing is not according to the mind of his [Catholic] Majesty. . . ." ¹⁴

On August 25, Cardinal Borromeo sent fuller instructions on the conclusion of the Council. In general, he cautioned the legates to extreme prudence. In regard to Luna, the legates should know how to temper their own reactions and make use of his good will. As for Philip II, Borromeo explained that the Pope was hoping to win his consent through the Emperor. The French, the Portuguese and the Italians were all in favor of a prompt conclusion, and Philip did not differ too much from the Emperor. If the latter's consent was obtained, the king of Spain "would not want to remain alone [seeing it was] futile and odious to the whole world" to seek to delay the end of the Council. ¹⁵

On August 31, the legates replied to the papal secretary of state that they could see a pattern in Luna's obstruction. They had been embarrassed by his frequent opposition, but now they were sure that the "strange ways" of the Count were all planned to achieve a purpose: to gain time while awaiting orders from Spain. "If we agree [to the orders]," the legates moaned, "they cannot but put off the end of the Council." ¹⁶

At about the same time, Borromeo had received communications from the Empire. Delphino's secretary informed him that Luna was certainly the one cause for the delay of the conclusion of Trent. This was why, on September 4,

¹⁴Ibid., pp. 198, 206.

¹⁵Ibid., pp. 215-16.

¹⁶Ibid., p. 212.

the Pope's nephew wrote to the legates at the Council that he had to admit it was not without malice that one sought "to oppose or indirectly extend [the Council]."¹⁷ It was good that a brief had been dispatched to the Council empowering the legates to proclaim the sessions closed in case the need arose. But Borromeo cautioned the presiding legate to be slow in exercising his faculty because the Pope wanted more than anything else "la buona et solemne conclusione del concilio. . . ." Pius IV had even agreed to leave the unfinished matter of the reform of lay princes, provided the other reform articles connected with the sacraments were enacted. But Luna stood in the way.¹⁷

Communications from Spain reached Luna on September 9. They were new petitions to be presented to the presiding committee, but they did not touch the subject of the dissolution of the Council. On September 11, Pius IV intervened with a letter to the legates at Trent. He insisted that Luna should be told he impeded the work of the fathers and was delaying the end of their labors. But the Pope made it clear that the Council should be closed only when it was proper to do so, that is, after dogmatic and reform decrees had been promulgated. After this was done, "We do not know why the Council could not be ended ('levare'), unless . . . it is to serve passions and particular interests . . . which we do not have to bear."¹⁸

ii

So far, both the Pope and the king of Spain seem to be in full agreement. Both wanted to finish the sessions, provided that the necessary enact-

¹⁷Ibid., pp. 235-36.

¹⁸Ibid., pp. 229-30, 250. Pallavicino. XXII, 10, 1.

ments were duly passed. Count Luna, the agent for Spain was the problem.

On September 19, Bishop Carlo Visconti of Ventimiglia returned to Rome from Trent, where Pius IV had sent him to bring back detailed information about the state of the Council. The conciliar legates gave Visconti written instructions enumerating four alternatives to be presented to Philip II. The envoy was instructed to show these to the Pope before journeying to Spain. The four alternatives were: 1) the continuation of the Council; 2) the dissolution of the Council; 3) the suspension of the Council; and 4) the formal and solemn conclusion of the Council. The fourth choice, the formal ending of the Council, was the preferred alternative, but it was also the most likely to present difficulties. The Protestants might not want it because it was to their interest to leave conciliar decrees unconfirmed. This might be the reason for the Emperor to refuse his consent, since it might cause him trouble to impose the conciliar decisions in his territories. The same could be reasonably expected from the king of France, because he was still a minor surrounded by powerful advisers not too friendly with Rome. The Spanish king might have special reasons to defer the end of Trent. One must consider the rebellious attitude brewing in the north. But every effort must be made to win Philip's consent "con la via dell'honore et della coscienza." The Pope could play up the pride of the Spanish king by suggesting that Philip could confer with him personally and be himself present during the solemn concluding ceremonies.

The legates apparently wanted to use all means to win the approval of Spain. They warned Visconti that Philip II might want to prolong the Council in order to put pressure on the Pope for certain favors, for example, an extension of the naval subsidies. But this might prove an incentive to other

princes to demand similar concessions from the Pope. The bishop should therefore persuade Philip that it was best to close the Council immediately. It would be to his lasting honor if what he had helped begin was finished.¹⁹

Visconti was favorably received in Rome. The Pope himself was most anxious to end the Council not only for reasons frequently repeated to the legates at Trent, but also in order to free "all of Christendom from its worried expectations about the Council." When Bishop Visconti finally set out for Madrid, he carried with him instructions from Borromeo which neatly summed up the whole issue:

It does not seem to His [Catholic] Majesty that until now [the purpose of Trent] has been accomplished. His Majesty thus seeks with insistence that one should go slowly, [allowing] all that time . . . that is needed. To this His holiness has replied . . . that since the king could demand that his interests and plans should be carefully considered, so also His Holiness could not allow himself, for all the world, to do anything unworthy of the [Supreme Pontiff's] place . . . to act against the freedom of the Council. Since [the Council] has always been left completely free . . . it is not proper that, in this question of the conclusion, one sought to tie its hands. . . .²⁰

Borromeo concluded by saying that one must trust that the fathers in Trent would close the Council after dogmatic and reform measures had been settled, "as His Majesty wishes, and this is molto ben'onesto."²¹

iii

Back in Trent, the Count of Luna continued importuning the legates. The evidence for this period is scanty and it is not clear on whose authority he acted. But he repeated the same argument that his king disapproved a rash

¹⁹Susta, IV, pp. 256-64.

²⁰Baluze-Mansi, IV, p. 458.

²¹Ibid.

decision to end the Council. All dogmatic questions should first be resolved, and reforms should be instituted. In this way, the Count added, the whole world would see that the Church was sincere and the Council would be respected as having satisfied the purpose of its convocation. In answer to the difficulty that the prolonged absence of the bishops from their dioceses was not desirable, Philip was quoted as saying that that was to be expected since some risk was always involved in every important undertaking. The universal good of the Church should be preferred to the particular benefit of the individual churches. There was an understandable fear of trouble if the Pope died before the Council ended, but one must trust in divine providence.²²

In their turn, the presiding legates replied to Luna that they could not ignore the increasing demand to terminate the Council. A private good must yield to the more universal good, but the absence of the prelates encouraged the spread of heresy, and this outweighed the universal advantages of the Church. Conversely, the individual harm suffered by particular churches was the universal concern of the Church. And trusting in divine providence did not absolve one from acting prudently.

The legates urged Philip's representative to help facilitate the end of the Council. The Cardinal of Lorraine had warned that if the Council did not finish its work soon, the French bishops would retire en masse. France was falling rapidly into heresy and the financial subsidy from the French court was exhausted. With the French gone, the Council could scarcely maintain its universal character, not to mention the possibility of a national French synod once they were back in their country. King Philip himself would make no ob-

²²Raynaldus, CXCII.

jections if he were present and realized the dangers involved.²³

This gave Luna the chance to exonerate himself of the charges made against him. Complaints had been made that he had acted beyond restraint when he tried to oppose the immediate termination of the Council, or when he had demanded that the Pope should also be subject to reform together with the lay princes. The ambassador guessed the source of the complaint, but he merely told Morone that Philip did not know what to say since no such adverse comments had been received at the royal court previously. The Count then continued that his orders regarding the conclusion or the postponement of the end of Trent were simply to make sure that the customary practice was followed. Concerning the four alternatives presented to the monarch, about which Luna must have had special information, the Count anticipated that Philip had no new answer besides what had already been communicated by his agents in Rome to the Pope, that is, close the Council as soon as the purpose of the Council was fulfilled.²⁴

iv

The twenty-fourth plenary session was held on 11 November 1563. It promulgated the decree on the sacrament of matrimony and several articles of reform. Just before news of the successful issue of the session reached the Pope, however, Luis de Requesens, the new Spanish ambassador at Rome, relayed a late communication from Philip to the Pope. The Council, Philip wrote, had been summoned to define dogmas basic to the reform of the Church and to winning

²³Ibid.

²⁴Ibid.

back the Protestants. None of these had been accomplished, and the king urged therefore that the sessions continue until these tasks were completed. The Pope received the message cordially, but answered Requesens orally that the Council could not be extended much longer. Besides the mounting expenses, there were good reasons for ending the sessions. It would take a lifetime to convert the heretics, and political trouble was threatening the Council, just as it had in the time of Charles V. Furthermore, a number of the prelates had already left Trent even without authorization.

Requesens' opinion is seen in a letter dated 12 November 1563 to Alcantara, formerly the helper of Vargas in Rome. The ambassador wrote that he believed that King Philip would have to agree to the conclusion of the Council, not because Philip's plan was not the best, but "I am very sorry that we are [incapable] of hindering it. . . ." Even if the Council were prolonged, he continued, "nothing would be done there except what will be commanded from here [Rome]. . . ." ²⁵

In Trent on November 13, Cardinal Morone called some fifty prelates together for a special private meeting. Two things were discussed. The first was the conclusion of the sessions. Since the more important issues had already been settled with the decree on the last of the sacraments, the Council could formally be closed at the next plenary session. There was only one who could make an objection, the agent of Philip, Luna. But, Morone explained, he did not expect the Count to disobey the will of the Sovereign Pontiff. Probably Morone was confident that Philip would be persuaded and would instruct his ambassador properly. The second problem was whether or not the fathers were

²⁵ CODOIN, CI, p. 7.

willing to enact reforms at the concluding session and leave aside the untouched dogmatic issues, since practically all of them had already been treated in previous general councils. Both suggestions found approval and Cardinal Morone dispatched messengers to inform the Pope, the kings of Spain and of France, and the Emperor.

A general congregation two days afterwards confirmed the plan to conclude the Council at the next plenary session. But, despite Morone's optimism, Luna voiced his opposition. He was speaking in his own name, he assured the legate, not in Philip's name, for the latter could not yet have received the dispatch from Morone. The Count felt that the dignity and the reputation of the Church and his master's undoubted service demanded that the Council should be ended with all possible decorum and solemnity. Dogmatic issues had not all been settled, the very questions from which the heresies had originated. More time than the fifteen days allotted by the legates was needed. Even if all the other princes consented, Philip's lone disagreement deserved special consideration. His consent should be awaited.

This stopped the legates for a while and they did not know what to answer the Count at first. Finally, they replied that if Philip were present, he would have approved the plans of Morone. Not only would he join the other princes, but the Spanish king himself, realizing the need to end the Council, would present the Emperor's suggestion for an immediate ending. Compelled by the situation in France, Philip would hasten the concluding session of the Council.

Luna returned to the attack and said that he opposed not so much the termination as the manner in which the Council was ending. He would not stand

for the virtual affront to the royal dignity of the king if the legates concluded the Council without first consulting Philip.²⁶

Another special meeting of the prelates had to be called on November 28, the day after the interview with Luna. Again, the prelates seconded Morone's efforts. Meanwhile, Luna sent a special courier to the Spanish ambassador in Rome to argue with the Pope. Cardinal Borromeo received the Spanish ambassador but, unfortunately for both of Philip's agents, they could not prove that the king himself wanted to prolong the Council. Besides, Borromeo explained, the Pope remained firm in his resolve to close the Council very soon, unless the majority of the fathers at Trent forced him to change his mind.

On November 29, Luna summoned the Spanish prelates to his residence in Trent. He had enjoined on them not to reveal the nature of the discussion, but it was an open secret that the Count wanted to talk about the conclusion of the Council. Next day, the Count summoned together the bishops of the other cities subject to the jurisdiction of Philip. Only two or three of this latter group supported Luna, while the majority, including all the Spaniards, insisted that the Council should be closed before the French departed.

Hardly was the meeting over when an express messenger from Rome reached Luna to inform him that the Pope had suddenly become seriously ill and that his death was feared momentarily. About two hours later, a second messenger arrived at the presiding legate's residence bearing the same urgent message, with an added order from Borromeo to terminate the Council at once to avoid those complications that could easily arise if the Pope died before the close of the Council. The legates lost no time and summoned the orators and prelates to a

²⁶ Raynaldus, CXCII. CODON, CI, p. 50.

special congregation. They agreed not to await further confirmation of the Pope's condition and to proceed to the conclusion of the Council. Only the Count of Luna disagreed and made one last futile effort to thwart the designs of the Cardinal legates. Not even the archbishop of Granada would support him. The final plenary session, the twenty-fifth of the Council of Trent and the ninth under Pius IV, was held on 3-4 December 1563. Although such issues as the revision of the index of forbidden books, the Roman missal and breviary, had to be left to the Pope to attend to as soon as possible, the Council of Trent came to a close.

As for the king of Spain, Count Luna received in January 1564, a letter from Philip II dated 15 November 1563:

Since His Holiness is so much determined to . . . conclude the Council promptly, and since in this the Emperor has agreed as he clearly appears willing to agree, and since in this same matter the French are also in agreement, and since this is so much desired by the others who are there, we realize fully how difficult it would be to hinder it. . . . One has to consider which is less inconvenient. . . . One ought to choose as less harmful the conclusion of the Council, even if it be with the suddenness and haste that are unavoidable. . . .²⁷

In this way Philip II indicated his willingness to concur in the desires of Cardinal Morone and Pius IV that the Council should conclude its labors. Luna had misunderstood his sovereign's intentions.

²⁷CODOIN, CI, pp. 11-12.

CHAPTER VI

CONCLUSION

The main effort of the present thesis has been to understand the part played by Philip II of Spain during the third and final convocation of the Council of Trent in 1562-63. Research has been restricted to areas which provided an introduction to the motivation behind the Spanish activities during the Council, rather than to questions of more theological import. It has thus occurred in the course of the paper to mention only very briefly and in passing certain issues, without going into further discussion of them. This is the case, for example, of the dispute on freedom in the Council. Certainly, the Spanish insistence for free discussions is explained mainly by a fear lest the Council of Trent serve the interests of the men appointed by Rome to preside over the conciliar meetings. But detailed examination of these questions would have gone beyond the purpose of the essay.

The first conclusion that presents itself is the importance of Philip II for the third convocation of the Council of Trent. Unlike the Emperor or the king of France, the king of Spain gave unambiguous support to the Council. Fired by his own concept of kingship, Philip sought to give substance to his ideal of king-protector of Christianity. Conflicts and misunderstandings with the Pope were thus, in a sense, unavoidable. The messianic overtones of Philip's ideal neither fully harmonized with the more political demands of the Spanish Crown, nor were they perfectly in keeping with contemporary papal policies.

The second conclusion is that there is need to distinguish between the policies originated by the king himself and those urged upon Philip by his ministers. The final decision in all the affairs of Spain naturally came from Philip, but it was a question of which royal adviser won the attention of the king. The papal secretary of state, Cardinal Borromeo, recognized this; on one occasion he warned a papal nuncio to Spain to make sure to see the right persons in the court at Madrid. The Cardinal secretary also advised the papal legates at Trent that it was not Philip, but the ministers and prelates around the Spanish throne, who made fuller cooperation between Spain and the Holy See particularly difficult. Because Philip's extreme fear of rushing into blind decisions forced him to rely on his counselors' advice, he fell prey to the whims and prejudices of the very men from whom he sought a wider and more balanced view of things.

This is verified in the few concrete instances cited in the foregoing pages. In the dispute about the right to propose matter for discussion in the Council, it was Vargas who strenuously fought to remove the phrase proponentibus legatis from the opening decree, and it was the same ambassador who suggested the compromise that settled the controversy. Philip himself was not concerned about the issue in the beginning; but the repeated and ceaseless representations of Vargas finally induced the king to devote his attention to the problem. The settlement finally agreed on was not really a solution and it may have disappointed Philip's ambassador, but it completely satisfied the king. The Pope had spoken and that was a big consideration for Philip. His one big claim was his loyalty to the Holy See.

The decree on episcopal residence is in itself an important incident in the history of the Council of Trent. It also serves as an introduction to the relations between the king of Spain and the Spanish hierarchy. Remarkable is the independence displayed by the Spanish prelates at Trent when they refused to abide by the king's order, because it infringed on their conscience. It seems evident that the king's hold over the Spanish clergy was not as absolute and iron-clad as it has been portrayed. Much more can be written on this topic, but, in keeping with the purpose of the thesis, attention has centered on Philip. The evidence shows that he was convinced of the divine origin of episcopal residence, but the more transcendental need not to obstruct the work of the Council and to work in union with the Holy See, plus the financial dependence of Spain on papal resources, led Philip to opt for a less intransigent attitude on the question.

The diplomatic incident of the continuity of the Council of Trent leads to a like conclusion. His ministers drummed into Philip's ears the need for a formal statement of the complementary nature of the third phase of the Council. But Pius IV's desire prevailed, because Philip II abhorred the idea of acting independently of the authority of the Apostolic See. It is not too far-fetched to say that the king of Spain would have disregarded the threatened dissolution if continuation had been expressly stated. After all, it was through him that the Council had been convened, and it would be through him that the Council would reach its end. But what led him to order his prelates to desist from further agitation was his desire to have them in union with the Holy See.

Finally, the minor diplomatic exchange occasioned by the conclusion of the Council illustrates vividly not only Philip's idea of the Council of Trent,

but also the way the Spanish ministers regarded the role of their king towards the Council. The Spanish king had clearly defined objectives for the conciliar assembly, and he tried to delay the end of the Council because, in his mind, these had not yet been attained. Luna's efforts to postpone the final concluding session were due to a legitimate desire to respect the one person without whom the Council would not have been assembled in the first place. And the final capitulation of Philip to the papal insistence that the Council be closed immediately is particularly relevant because it shows him once again bowing to circumstances beyond his control. As king and protector of Christianity, he had his own plans and aims, but he never forgot that there was One to whom he owed his crown, One who could always thwart the temporal designs he had conceived, One who claimed his first loyalty even without the promised reward of constant success. Philip II was a Catholic king, and this is the paradox that even he did not know how to solve.

One final remark may be made. In the desire to explain the religious and political crises of the sixteenth century, more blame has been laid on the shoulders of the Catholic king than he has deserved. Aside from Philip's own unresolved question of his role, the diverse currents of interest around his throne must be taken into consideration. Was he, perhaps, in the manner of the Greek tragic hero, the victim of his own greatness?

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APPROVAL SHEET

The thesis submitted by Jose S. Arcilla, S.J. has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

February 1, 1965
Date

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